CITY OF VANCOUVER
PLANNING DEPARTMENT

Price: $4.00

REPORTS TO COUNCIL

SUBJECT: SECONDARY SUITES IN RS-1 AREAS
ENFORCEMENT AND FAMILY SUITES

DATE: AUGUST, 1988

COMMITTEE ACTION:

CITY COUNCIL ACTION:

OTHER

This consolidation of documents pertaining to Secondary Suites in RS-1 Areas includes the following reports:

- Background Information on Suites/Enforcement
- Definition of Family & Regulations to Permit Family Suites - September 30, 1987
- Proposed RS-1 Revenue Suite Enforcement Program and RS-1 Illegal Suite Phase-out - December 17, 1987 (Includes the report on RS-1 Single Family Long-Term Revenue Suite Enforcement Program - December 1, 1987)
- Secondary Suite Enforcement Program (Proposed By-law Amendments) - May 31, 1988
- Enforcement Policies for Legally Non-conforming, Appeal, Moratorium, Hardship, Parent and Child Suites - May 24, 1988
- Staffing Needs for Implementation of Long Term Enforcement Program in Joyce Area - June 23, 1988

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90-01620/

City of Vancouver

Inter-Office Correspondence

1987 01 13

CITY OF VANCOUVER
SECONDARY SUITES / HARDSHIP SUITES

LEGISLATIVE AUTHORITY: HARDSHIP SUITES, RS-1 ZONING, and CITY CHARTER

The majority of concerns with illegal suites are in areas zoned RS-1, Single-family. The intent of the RS-1 Schedule is to maintain the single-family character of the district. The zoning permits only one-family dwellings.

The City Charter [Section 565A (e)] makes provision for relaxation of zoning by-laws in cases where literal enforcement would result in unnecessary hardship "provided, however, that such power to relax shall not be used to permit any construction to provide for multiple occupancy in a one-family dwelling district nor to permit in such a district the use or occupancy of a dwelling as a multiple occupancy dwelling unless it was so used or occupied as at April 1st, 1977." (attachment A).

In other words, the City's current Hardship Policy, whereby people can apply for enforcement to be withheld on a second unit in a one-family dwelling, contravenes both the City Charter and RS-1 Zoning Schedule.

NUMBER AND TYPE OF SUITES

Over the years, many single-family homes have been converted to include a second (or third) dwelling unit. A history of city actions on suites is attached (B).

We estimate that there are about 21,000 suites in areas zoned RS-1. The number and location of suites are shown on attachment C. Some 550 suites are registered under the City's Hardship Policy, 75 are registered under the Parent/ Child Suite Policy, and 789 suites and 32 sleeping units are "moratorium suites" stemming from Council's 1956 decision to withhold enforcement on existing suites.

APPLICATIONS FOR A HARDSHIP SUITE

The usual sequence of events leading to a hardship suite is as follows.

- The owner builds and a tenant occupies an illegal suite.
- A neighbour complains to the City (or the suite is found in the course of a routine inspection).
- Staff inspect and closure is ordered.

- o The owner or tenant applies to the City for a delay of enforcement due to hardship.

- o An application is completed (attachment E) with a $100 processing fee and staff inspect the unit (attachment F).

- o If the requirements (both hardship "D" and standards "F") are met the Director of Permits & Licenses, acting under the Hardship Policy adopted by Council in 1983, notifies the applicant that enforcement will be withheld for one to two years.

- o If the requirements are not met and permission is refused, the applicant has 60 days to appeal the decision of the Director of Permits & Licenses to the appropriate Council Committee (currently the Neighbourhood, Cultural, and Community Services Committee). About half of those who are refused appeal to Council Committee. During 1986, the Community Services Committee granted 65 percent of the requests.

- o If the decision is to refuse, the applicant has 60 days for the suite to be vacated. If the decision is to withhold enforcement, at the end of the one to two years a new application is required with a $50.00 processing fee.

Details of the Hardship Suite Policy are outlined in attachment D.

QUESTIONS FREQUENTLY ASKED ABOUT SUITES

How can the City permit suites in RS-1 areas when the zoning says it is a single-family zone?

Technically we do not "permit" suites--we withhold enforcement. However, the end result to the neighbour is the same--the suite remains.

Why should people obey the City's by-laws when the City does not?

Good question--we should be very concerned about a decline in respect for authority by those who see the city condoning suites in areas zoned one-family.

Why not close suites?

Whether or not suites are closed there will be households whose needs are not met. Many owners purchased their home with the expectation that neighbourhoods would remain single-family. They have not.

If suites are closed it will have a significant impact on owners who rent a suite (10 percent of city households), renters in illegal accommodation (11 percent of households), and renters in legal units (45 percent of households) who would find themselves competing with displaced persons for legal rental housing.

The impact of closures is so substantial that city councils, both in Vancouver and elsewhere, have been reluctant to act. Yet opposition from owners discourages rezoning to permit suites.

Is Vancouver Alone in Facing this Issue?

Vancouver is by no means unique in experiencing the conversion of single-family houses to include a suite(s). Cities throughout North America are experiencing conversions. Suites tend to occur in older residential neighbourhoods, located in high price and/or high amenity areas, where redevelopment is occurring. Less often, suites are built in new subdivisions as "mortgage helpers".

Other cities have found that suites are attractive to:

- o older "empty nesters" who see a suite as a way to afford to stay in the family home;
- o older folks seeking the security of extra people in the house;
- o new home buyers needing a "mortgage helper";
- o recent immigrants, whose culture is to live as an extended family;
- o two-income parents wanting a live-in nanny;
- o households wishing to accommodate immediate family members (grand parents, child) in nearby but separate quarters;
- o Lower income family renters, who may be single-parents, often wish to bring up children in a "family" neighbourhood and do so by renting or sharing houses; and
- o Absentee landlords holding land for investment purposes.

This latter use generates the most controversy.

In some cities conversion of dwellings to include a suite is seen as a very positive way to make more efficient use of the existing housing stock and municipal services. A short report from the United States Department of Housing is attached (G).

The state of California, for example, faced the problems of illegal suites and the benefits suites offer. They require cities to pass an ordinance on secondary suites, for in its absence suites are permitted outright by state law. In most cases cities have set conditions under which suites are permitted. There are health and safety standards suites must meet and appropriate licenses and taxes to be paid. Some jurisdictions require the occupants of the suite to be immediate family or low income households. Suites which do not meet the standards are closed. But for those who find a suite in the house is a way to meet family needs, the opportunity exists.

The Province of Ontario is actively encouraging municipalities to permit suites by providing financial assistance to homeowners who wish to convert. Staff are currently preparing design guidelines and draft schedules for municipalities to adopt.

Does Vancouver Differ from other Cities in the Form of Suites?

Discussions with municipal staff in Ontario suggest that conversions in Ontario usually occur in older houses. By contrast, in Vancouver new houses are often designed for immediate easy (illegal) conversion to include a suite(s).

Why the construction of new illegal duplexes and triplexes occurs in Vancouver is not clear. However, one reason may be the low proportion of the city zoned for multiple residential use. Seventy percent of Vancouver is zoned RS-1 single-family. Elsewhere, higher proportions of land within a short commute of downtown are zoned to permit multiple or duplex use. In the absence of duplex zones, two-family dwellings are being built in one-family areas.

Why not discourage construction of new easily-convertible dwellings?

On October 22, 1986, the City of Vancouver placed a moratorium on the construction of more than one kitchen in a dwelling pending a public hearing to restrict the number of kitchens. This was intended to discourage the construction of easily-convertible dwellings. No new applications showing more than one cooking facility have been processed.

Staff have been monitoring applications since the moratorium. There is no evidence that restricting the number of legal kitchens will prevent the building of easily-converted dwellings. Applicants are substituting bar sink areas for second kitchens. In all other respects the layout of rooms suggests the potential for easy conversion.

At best, dwellings may be slightly less easily converted. At worst, electrical outlets and other facilities, which are not inspected, may endanger occupants.

In order to discourage the construction of easily-convertible dwellings, additional actions would be required, for example:

- strict enforcement of closure, with no leniency for hardship or in-law suites, when accommodation is illegally occupied;
- amendments to trades by-laws to prevent "rough-ins" unless approved; and
- regulation of the location of cupboards, room layouts, and the number and location of bathrooms, bar sinks, and kitchens in dwellings.

These additional actions are both difficult and costly to administer. The authority of the City to regulate in these areas is open to question.

The implications of actions to discourage the conversion of houses extend beyond the immediate concern of easy conversion. They raise more fundamental questions of the extent to which we should regulate the way in which people live and use their home both today and in the future.

Laws which prevent easy conversion also prevent both a more efficient use of city services and attempts by people to meet family needs through the use of one of the few resources available to them--the family home. A very good case can be made for building houses with sufficient flexibility to meet changing household needs. The **Vancouver Plan** stresses the benefits of making more efficient use of existing serviced areas as an alternative to costly transportation expenditures.

Why not permit existing suites and no more?

This solution is often suggested as a compromise; people know what exists but are fearful of the unknown. This raises a question of equity. Should someone who has illegally had a suite be permitted to keep it while those who have respected the law cannot now add a suite?

It is likely that permitting existing suites (subject to complying with health and safety standards) would merely defer the issue as new illegal suites will be built.

Why not permit suites in some "RS-1" areas and close suites in others?

It may be possible to identify some areas where suites can be permitted and others where suites will be closed. However, as the location maps show, all areas have suites.

In neighbourhoods where there are fewer suites we may find that many suites are occupied by family members or household support persons (such as a nanny or nurse) for whom a good case can be made for separate quarters in the home. It will not be easy to establish equitable guidelines for permitting some people the right to have a suite while denying the option to others in otherwise similar house types and neighbourhoods.

What is the solution?

There is no easy way to meet the needs of both those who insist on one-family (and smaller new houses) to maintain neighbourhood character and those who want a new house with a second unit in a lower density "family" neighbourhood.

The best compromise may be to reduce allowable above grade floor space (thereby making the new house less imposing to existing residents) while permitting a suite (to meet new needs). If this is accompanied by payment of taxes for two units, strict enforcement of parking and standards, and closure of additional, unlicensed, or unsafe suites we encourage a more efficient use of land and services while keeping much of the character which people now associate with RS-1 areas.

Special provisions for hardship and parent suites would not be necessary.

AMcA/ap

ATTACHMENT A: CHARTER AUTHORITY

By-laws

585A. Council may make by-laws

(*a*) prohibiting any person from undertaking any development without having first obtained a permit therefor. Such permit shall hereinafter be referred to as a " development permit ";

(*b*) providing that a development permit may be limited in time and subject to conditions, and making it an offence for any person to fail to comply with such conditions;

(*c*) providing that no building permit shall be issued for the construction of any building until a development permit has first been obtained;

(*d*) delegating to any official of the city or to any board composed of such officials such powers of discretion relating to zoning matters which to Council seem appropriate;

(*e*) providing for the relaxation in any case where literal enforcement would result in unnecessary hardship of any provision of

(i) a zoning by-law (provided, however, that such power to relax shall not be used to permit any construction to provide for multiple occupancy in a one-family dwelling district nor to permit in such a district the use or occupancy of a dwelling as a multiple occupancy dwelling unless it was so used or occupied as at April 1st, 1977),

(ii) a by-law prescribing requirements for buildings.

Such relaxation may be limited in time and may be subject to conditions. The by-law may authorize such relaxation by the Director of Planning or by any board constituted pursuant to clause (*d*);

(*f*) providing for the payment of a fee upon application for a development permit, which fee may vary accordingly to the value or type of development for which the permit is sought;

(*g*) providing that the use or occupancy of any land or building in contravention of the provisions of a zoning by-law or the conditions of a development permit shall constitute a violation of the zoning by-law and shall render the owner of the land or building liable to the penalties provided in the by-law;

(*h*) prohibiting the use or occupancy of any land or building on or in which a development has taken place since the eighteenth day of June, 1956, without a development permit;

(*i*) prohibiting the erection, use, or occupancy of any building or the use or occupancy of any land unless due provision is made for public safety and amenity, sanitary facilities, water supply, and drainage. 1964, c. 72, s. 18; 1966, c. 69, s. 23; 1978, c. 81, s. 31.

APPENDIX 1

SECONDARY SUITES IN VANCOUVER

1940 War Measures Act, applied throughout Canada by the Federal Government, encouraged homeowners to relieve wartime housing shortages through suites in single-family homes.

1956 Council decision to close secondary suites in RS-1 areas. However suites installed prior to 1956 were given a temporary reprieve. These suites are now referred to as "moratorium suites".

1959 Council orders closure of all suites in RS-1 areas.

1961 Council agrees to withhold enforcement action for suites occupied by parents, grandparents, and children (1973) of the owner.

1963 Council agrees to withhold enforcement action where there is recognized financial or medical hardship of the owner or tenant.

1964 January to October
All applications for hardship dealt with directly by Council.
November, 1964
Council establishs a Hardship Committee consisting of the City Building Inspector, City Medical Health Officer, and the Social Service Administrator to make recommendations to Council on all hardship applications.

1967 Low vacancy rates result in Council temporarily halting closures.

1974 Planning Department survey found that 65 percent of owners did not want suites in their area.

1974 Temporary permits reissued to "moratorium" suites in 1970, 1972, and 1974. Since 1974, there has been neither an extension of temporary permits nor action to remove these suites.

1975 Plebiscites held in several areas. Three were subsequently rezoned to RS-1A to permit secondary suites as a conditional use.

1977 Council adopts specific financial and medical guidelines for approving hardship applications. These are reviewed and updated as required.

1978 Council resolved that Hardship Applications not be considered in buildings built since January 1, 1975.

1980 Council authorized the Community Services Committee to be the final level of appeal for hardship suites.

1980 A special Council Committee on Secondary Suites recommends permitting suites. No action is taken.

1981 After reviewing the secondary suite issue, Council agrees to continue its policy of withholding enforcement action for approved parent, family, hardship, and moratorium suites and enforcing closures on complaint.

1983 The Hardship Committee is disbanded. Council instructed the Director of Permits and Licenses, or his representative, to be responsible for considering hardship applications, subject to his decision being appealable (to the Community Services, now Neighbourhood Cultural and Community Services Committee).

1983 Council rescinded the October 31, 1978 resolution not to consider hardship applications in buildings erected after January 1, 1975.

1983 Council approved $100.00 processing fee and requirement to meet minimum life safety standards.

1986 City Council directs the Director of Permits & Licenses to refuse any Hardship Applications for withholding of enforcement where there are known legitimate complaints from residents in the neighbourhood.

1986 Council asks staff to develop a strategy to address secondary suite concerns.

- Council directs staff to undertake a test case in the Joyce Station Area to determine resident opinions on secondary suites.
- Council refers to Public Hearing an amendment to the Zoning and Development By-law to restrict the number of kitchens in a dwelling unit to one.

APPENDIX 2

THE NUMBER AND LOCATION OF SUITES

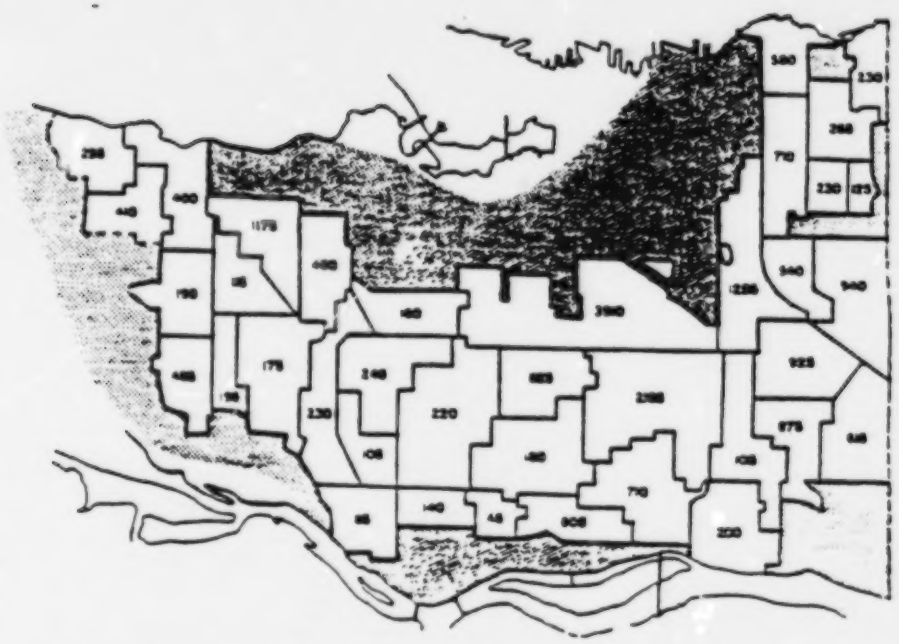
Our estimates lead us to believe there are about 21,500 suites in areas zoned RS-1. This implies a suite in every fourth house. However, there is considerable variation in the distribution of secondary suites. In some neighbourhoods more than half the houses are believed to contain a suite while in others the estimate is as low as 10 percent.

The estimate of the number and location of suites has been compiled from census, telephone, directory, assessment, and social assistance information. No one source provides a complete story. However, all sources show similar areas of concentration of houses converted to include more than one dwelling unit.

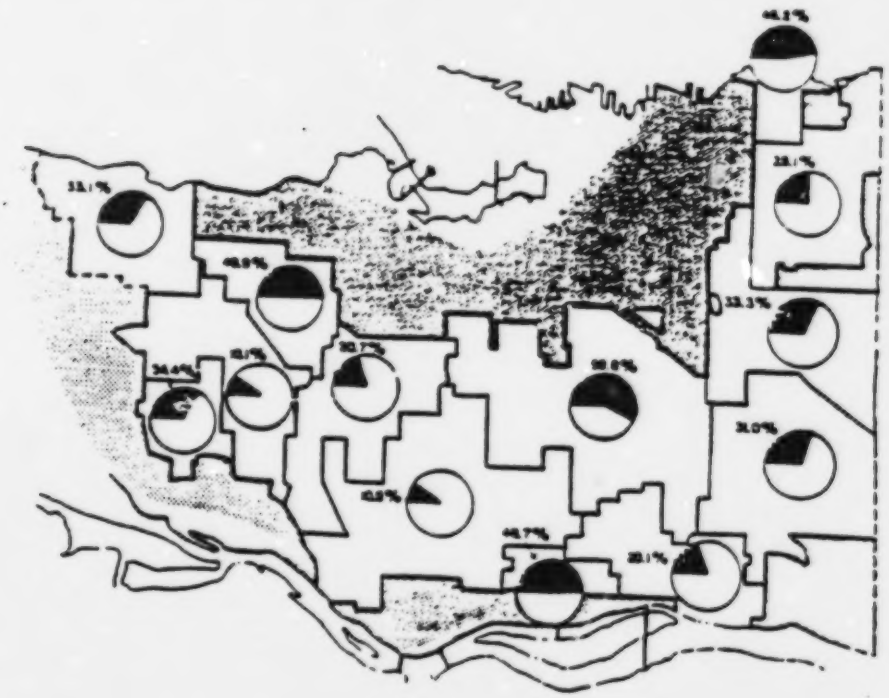
Telephone connections provide the best estimate of the number and location of suites. Where more than one non-business number is listed at the same street address we assume that, in most cases, the second line services a second household. There is some over counting where members of the same household have two separate numbers, in different names. On the other hand, based upon information from the Ministry of Social Services, we have also concluded that there is some under counting of renters who cannot afford a private telephone. Telephone data has been adjusted to reflect second lines in more affluent areas and under counting in areas with a high number of households receiving social assistance.

With these provisos, the following maps represent our best estimate of the number and location of suites in single-family areas. While the absolute numbers may not be exact, the maps provide a good indication of areas of concentration. Areas with similar proportions of houses converted to include a suite have been grouped.

ESTIMATED NUMBER OF HOUSES CONVERTED TO
INCLUDE AT LEAST ONE SUITE



ESTIMATED PERCENT OF HOUSES BY AREA
CONVERTED TO INCLUDE AT LEAST ONE SUITE



APPENDIX 3

EXISTING PARENT AND HARDSHIP SUITE POLICY

Applicants must complete an application and submit it with a $100.00 processing fee.

Hardship Policy: Financial and Medical Standards

Either the owner or tenant may apply under the Hardship Policy to retain or occupy an illegal accommodation on a limited basis if they qualify under the "financial" or "medical" guidelines:

- The tenant or owner must qualify under the following income guidelines. These are updated annually by the Social Planning Department.

  Low Income Cutoff Guidelines adopted May, 1986.

	Monthly	Yearly
1 person	852.71	10,232.56
2 persons	1,125.02	13,500.24
3 persons	1,384.97	18,059.60
4 persons	1,734.20	20,810.40
5 persons	2,020.89	24,250.72
6 persons	2,207.23	26,486.72
7 persons +	2,429.44	29,153.28

- Under the "medical guidelines", the owner or tenant is required to submit a letter from the family doctor indicating the medical problem. (e.g. the applicant may, due to illness or handicap, need to live in a ground level suite or require a second dwelling unit for a support person). The letter is forwarded to the Medical Health Officer for his response and recommendation.

Parent/Child Suite Policy

The resident of a parent suite must be a child, parent, or grandparent of the owner.

At the time of application, a $100.00 fee is paid. This is a one-time fee.

A declaration is required stating the nature of the familiar relationship. A new declaration is required if there is a change in status.

Neighbourhood Concerns

Applications for withholding of enforcement are refused where there are known legitimate complaints from residents in the neighbourhood.

Unit Standards

When an application is received a "Hardship Deficiency and Quality Rating Inspection Report" is completed by a Property Use Inspector. Before approval is granted, the following must be complied with:

1. One parking space is required for each dwelling unit.

2. The general condition of the dwelling and property must comply with the Standard of Maintenance By-law.

3. If the building is three storeys or more and contains more than two dwelling units, proper exiting is required from the upper floors.

4. Smoke alarms are required in each dwelling unit.

5. Fire protection is required to the common walls and floor assemblies between units and normally consists of 5/8" gypsum board. If the building is two storeys, 1/2" gypsum board is accepted.

6. Light and ventilation is required as provided in the Building By-law.

7. A minimum of 6 feet 10 inch ceiling height is required for the hardship suite. (The By-law requirement is 7 ft. 6 in. for habitable rooms.)

8. Maintenance of accommodation must be in compliance with the Standard of Maintenance By-law.

Approval Time

If the property is in other than a RS-1 One Family Dwelling District, where the extra dwelling unit could legally be allowed, a one year only withholding of enforcement action is granted and the owner is advised that within that year if s/he wishes to retain the accommodation an application must be made for permanent approval through a Development and Building Permit.

In RS-1 zones, if the tenant hardship application is a student, a withholding of enforcement action of one year is permitted and the requirements must be complied with. For other hardship applications, a two-year withholding action is generally granted. At the end of the approved time a new application must be submitted together with a $50.00 processing fee.

This "permit" is attached to the person and not the unit. If a change in occupancy occurs, this must be reported.

Appeals

The Director of Permits and Licenses, or his representative, is responsible for considering hardship applications, subject to his decision being appealable to Council Committee.

If the application is refused, the applicant has 60 days to appeal. The appeal is heard by the Neighbourhood, Cultural, and Community Services Committee.

Refusals

If the decision to refuse is upheld, the tenant has 60 days in which to vacate the premises.

Notification

If the illegal suite was found as a result of a complaint from an adjacent property owner, the complainant is advised in writing of the decision of the Director of Permits & Licenses.

CITY OF VANCOUVER
PLANNING DEPARTMENT

REPORTS TO COUNCIL

SUBJECT: DEFINITION OF FAMILY AND REGULATIONS TO PERMIT FAMILY SUITES

DATE: SEPTEMBER 30, 1987

COMMITTEE ACTION:

On October 1, 1987, the Standing Committee of Council on Neighbourhood, Cultural and Community Services considered a City Manager's Summary report dated September 30, 1987 forwarding a comprehensive report of the Director of Planning dated September 29, 1987, in which staff presented a revised definition of "Family" and related terms in the Zoning and Development By-law, and a procedure to permit family suites in RS-1 neighbourhoods.

As part of a program to develop a more appropriate mechanism for regulating secondary suites in RS-1 Districts, Council had requested the Director of Planning to amend the definitions of "family", "household", and "dwelling unit" to decrease ambiguity existing in the Zoning and Development By-law.

The comprehensive report was divided into two sections. Section I reviewed the current definition of the family and proposed an amended definition recognizing the increased diversity of family relationships. Section II dealt with the question of whether family suites should be permitted in the RS-1 District, who should occupy them and how they could be regulated.

The summary report noted the existing definition of a family in the Zoning & Development By-law does not include children related by adoption or persons living in a common-law relationship, and recommended this definition be amended to read:

> "A family is defined as either (a) two or more individuals all related to one another by blood, marriage, or legal adoption or (b) as many as three unrelated individuals. For the purpose of this definition, (i) two people living together in a common-law relationship shall be deemed to be married and (ii) the blood relations of both parties to a common-law relationship shall be considered to be related to the partners and to each other as required above."

To specify who is permitted to occupy a dwelling unit, it was proposed the following definition of "household" be added to the by-law:

> "A household is a family plus dependent persons, household support persons, caretakers, and as many as two boarders or lodgers or five foster or day-care children living together as a family in a dwelling unit."

The Director of Permits & Licenses submitted enforcement of the by-law will be more difficult if family suites are permitted because inspectors will not only have to determine if a suite exists, but also if it is occupied by appropriate family members. Therefore, staff recommended that if family suites are permitted in the

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RS-1 District, they be a conditional use. To assist in drafting an appropriate by-law for consideration at Public Hearing, the following issues must be resolved:

a) Number of Family Suites per House
b) Household Tenure
c) Family Suite Occupants
d) Boarders and Lodgers
e) Household Support Persons
f) Dependent Persons
g) Family Suite Enforcement Program

Staff recommendations on each of the above were included in the report.

The proposed enforcement program would include registration and licensing of the suite, and prosecution and fines for violations of the by-law. The Director of Permits and Licenses advised that funds from registration fees and fines, and the Department's existing budget will be used for the inspection and monitoring of family and non-family suites. However, prosecution costs may require additional City resources and/or additional Provincial Court staff.

Definitions of "dwelling unit" and "one-family dwelling" will require amendment to ensure they are compatible with the concept of family suites. Also, it will be necessary to add a definition of "secondary suite" to the Zoning & Development By-law. Amendments to the Vancouver Charter and the Condominium Act will be required to ensure family suite regulations are enforceable and that family suites cannot be strata-titled.

In view of the many complex issues involved, it was recommended that the Director of Legal Services report back on appropriate Charter amendments and that a workshop be scheduled to review the alternatives and permit Council to direct staff in the preparation of the necessary by-law amendments for consideration at a Public Hearing.

Dr. A. McAfee, Planner, stated that staff would appreciate an opportunity for a detailed discussion with Council on the many choices available when defining family relationships and the composition of a household. She noted that in some cities definitions of "family" and family suite regulations are being challenged through the courts. She suggested it might be advisable to wait until Council has the authority to implement an enforcement program, before proceeding to Public Hearing.

Mr. T. Bland, Corporation Counsel, agreed the necessary Charter Amendments should be obtained in the first instance. He noted that although Council can control "use" and "occupancy", the family suites under discussion are presently illegal in RS-1 areas. Mr. Bland suggested family suites may be permitted as a conditional use, granted to one person (the principal owner) on a two-year renewable basis.

Concerns raised, and responded to, during the lengthy discussion included:

- There are all kinds of family relationships which cannot be documented -- occupants of a family suite will be grandparents, parents, children and grandchildren of the primary occupants and/or their partners.
- Increase in staffing -- increased monitoring and inspections will entail some increase in staff.
- Can the Fire Department carry out safety inspections? -- Fire Department

staff inspect multiple dwellings, not private residences.

- Will taxes be increased to reflect the use? -- taxes are based on property values; this is simply creating a family suite in the original house.
- Prevention of strata-titling -- the Director of Planning must approve strata titling and this would not happen in RS-1 areas.
- What if documented proof of relationship is not available? -- a sworn affidavit will be accepted; relationship will be established and the occupant named before a suite is permitted.
- Can a license be revoked? -- can be dealt with at a Show Cause Hearing, but would not be done on just one complaint.
- Will there be random inspections of suites? -- one inspection will be carried out during first three months period, may not inspect again unless complaints are received.

There was a consensus that the family suite issue must be resolved before any action can be taken on the elimination of illegal revenue suites. The Committee commended the staff on their efforts and welcomed the opportunity for in-depth discussion at the proposed workshop. It was, therefore, recommended

A. That Council instruct the Director of Legal Services to report back on appropriate Charter Amendments to provide the necessary authority to implement an effective family suite enforcement program.

B. That a workshop be scheduled for Council and staff to review the alternatives outlined in this report and, if appropriate, provide instruction to staff for preparing the necessary by-law amendments for consideration at a Public Hearing.

(Alderman Eriksen opposed)

CITY COUNCIL ACTION:

Vancouver City Council, at its meeting on October 20, 1987, approved the recommendations of the Standing Committee on Neighbourhood, Cultural and Community Services with regards to this matter.

OTHER:

MANAGER'S REPORT

DATE September 30, 1987

TO: Standing Committee of Council on Neighbourhood, Cultural & Community Services

SUBJECT: Definition of Family and Regulations to Permit Family Suites - Summary Report

CLASSIFICATION: RECOMMENDATION

The Director of Planning, in consultation with the Director of Legal Services and the Director of Permits and Licenses, reports as follows:

"PURPOSE

The purpose of this report is to present a revised definition of "Family" and related terms in the Zoning and Development By-law and a procedure to permit family suites in RS-1 neighbourhoods.

THE ISSUES

As work proceeds on the RS-1 suite program there is a need to redefine "family" to better reflect existing relationships between people who occupy houses and to consider an enforceable procedure to permit family members to adjust the interior layout of their house to include a family suite.

This is not an easy task. There are various perceptions of "family" and of what constitutes "family accommodation". In selecting appropriate definitions some difficult choices must be made about relationships between people and the dwellings they occupy. Some of the choices are identified in appendix II.

The report is divided into two sections. Section one reviews the current definition of the family and proposes an amended definition which recognizes the increased diversity of family relationships. Section two addresses the question of whether family suites should be permitted in the RS-1 District, who should occupy them, and how they could be regulated.

DEFINITION OF FAMILY

The Zoning and Development By-law uses the term "Family" to define the relationships among people who can live together in a dwelling unit. The City's definition of family does not include children related by adoption or persons living in a common-law relationship. To reflect new living arrangements it is recommended that the definition of "family" be amended to:

> "A family is defined as either (a) two or more individuals all related to one another by blood, marriage, or legal adoption or (b) as many as three unrelated individuals. For the purpose of this definition, (i) two people living together in a common-law relationship shall be deemed to be married and (ii) the blood relations of both parties to a common-law relationship shall be considered to be related to the partners and to each other as required above."

To specify who is permitted to occupy a dwelling unit a definition of "household" should be added to the by-law. A proposed wording is:

> "A household is a family plus dependent persons, household support persons, caretakers, and as many as two boarders or lodgers or five foster or day care children living together as a family in a dwelling unit."

FAMILY SUITES

Approximately five to fifteen percent of all secondary suites (1300 to 3900 units) in the RS-1 District are occupied by members of the family that occupies the principal dwelling unit. These family suites are not permitted by the RS-1 zoning schedule. Though one could argue that a house with a suite occupied by family members still contains only a single family, as intended in single-family neighbourhoods. Hence, a case can be made for permitting family members to use their home as they choose to better support one another and thereby reduce the need for alternate housing and services.

The disadvantage of permitting family suites is that it will be more difficult to enforce the by-law because inspectors will have to determine, on an ongoing basis, not only if a suite exists, but if it is occupied by the appropriate family members.

If family suites are permitted in the RS-1 District, staff recommend that they be a conditional use. For staff to draft an appropriate by-law for consideration at Public Hearing the following issues need to be resolved.

A. **Number of Family Suites per House** Recommendation: one family suite.

B. **Household tenure** Recommendation: no restrictions on the tenure of occupants of a house with a family suite.

C. **Family Suite Occupants** Recommendation: the occupants of a family suite be members of the "primary family" that is the one or two primary occupants; grandparents, parents, children, and grandchildren of the primary occupants; and/or the partners of the grandparents, parents, children, and grandchildren of the primary occupants.

D. **Boarders and Lodgers** The Director of Permits and Licenses favours not permitting boarders or lodgers in a house with a family suite because the additional persons are likely to generate more parking problems. The Director of Planning favours permitting boarders or lodgers in the principal unit but not in the family suite since this provides modest price accommodation and many houses can easily accommodate two boarders in addition to a family suite.

E. **Household Support Persons** Recommendation: individuals who provide basic support services for family members (e.g. medical, child care) should be permitted to occupy a family suite.

F. **Dependent Persons** Recommendation: persons who are defined as dependent under provisions of the Income Tax Act or Immigration Act should be permitted to occupy a family suite.

G. **Family Suite Enforcement Program** An enforcement program to ensure that family suites provide safe accommodation and are occupied in accordance with the Zoning and Development By-law is outlined in the main report. It recommends:

a. Giving owners four months to register a family suite, requiring immediate compliance with life safety regulations, and one year to comply with other regulations;

b. Requiring a development permit and/or license (which must be renewed biannually), documentation of family relationship, and a $5,000 performance bond;

c. Inspecting suites within three months of occupancy and on a random basis thereafter;

d. Revoking the license at any time, should Council determine that the suite is adversely affecting the quality of life for surrounding neighbours; and

e. Prosecuting and fining (example minimum fine $5,000 maximum fine $10,000) owners of unregistered suites or registered suites which do not comply with the by-law.

Registration and inspection of family suites as well as the inspection and monitoring of non-family suites will be carried out on a cost recovery basis. Funds will come from the existing Permits and Licenses Department budget and from registration fees and fines. The costs of prosecution are difficult to estimate and may require additional City resources and/or additional provincial court staff.

If family suites are permitted it will also be necessary to amend the definitions of "dwelling unit" and "one-family dwelling" to ensure they are compatible with the concept of family suites and to add a definition of "secondary suite" to the Zoning and Development By-law. In addition, to ensure family suites are not strata-titled, thereby making it difficult to control occupancy, some adjustments will be required to either the Vancouver Charter or the Condominium Act to ensure that the family suite regulations can be enforced.

IMPLEMENTATION

The two topics discussed in this report--a new definition of family and the provision for family suites--are separate. Council may choose to proceed with one independent of the other. On the definition of family, Council has several options including maintaining the present definition or making it more or less restrictive. Some options are outlined in Appendix II. While staff are suggesting that the definition be broadened, we recognize that this is a difficult issue and are seeking Council's advice.

Vancouver is not alone in tackling the issues of family and family suites. Other cities are finding that their definition of family is no longer appropriate and that "family" and family suite regulations are being challenged through the courts.

Before amending the RS-1 Schedule to permit family suites it is advisable to ensure the City has the authority to proceed as outlined. The Director of Legal Services advises that the City Charter should be amended to enable the City to implement an effective family suite enforcement program and to confirm the City's ability to establish family suites as a conditional use. A draft wording for the necessary Charter Amendments has been prepared and will shortly be before Council.

This report raises some very difficult choices on family living arrangements. The report talks about some of the alternatives. No doubt there are others to consider. Before proceeding further it would be helpful if Council would schedule a workshop to discuss the proposals for amending the definition of family and for providing for family suites in RS-1 areas and, if a decision is taken to proceed to Public Hearing, a program to provide for public input.

This report is part of a package of actions to address the issue of suites in RS-1 areas. It outlines several issues which could be addressed on a city-wide basis. Decisions on where non-family suites will be permitted and where suites which do not comply will be phased out will be taken on a neighbourhood by neighbourhood basis. The Joyce Area program is the first area review. Council will be receiving proposals for future neighbourhood reviews and for a general suite enforcement program. This report outlines a procedure for permitting family suites. It is important to emphasize that the proposed enforcement program is only for suites which purport to be for family occupancy.

RECOMMENDATIONS

The Director of Planning, in consultation with the Director of Legal Services and the Director of Permits and Licenses recommends:

A. THAT the Director of Legal Services be instructed to report back on appropriate Charter Amendments to provide the necessary authority to implement an effective family suite enforcement program.

B. THAT the Comitttee schedule a workshop with staff to review the alternatives outlined in this report and, if appropriate, provide instruction to staff for preparing the necessary by-law amendments for consideration at a Public Hearing. "

The City Manager RECOMMENDS approval of the foregoing recommendations of the Director of Planning.

PLANNING DEPARTMENT

DATE: September 29, 1987

TO: City Manager (for N. C. C. S. Committee)

SUBJECT: DEFINITION OF THE FAMILY AND REGULATIONS TO PERMIT FAMILY SUITES

CLASSIFICATION: RECOMMENDATION AND CONSIDERATION

The Director of Planning, in consultation with the Director of Legal Services and the Director of Permits and Licenses, reports as follows:

"PURPOSE

The purpose of this report is to review the definitions of "Family", "Dwelling Unit", and related terms in the Zoning and Development By-law. It proposes a revised set of definitions and regulations to help decrease the ambiguity currently in the by-law concerning secondary suites and presents a mechanism for permitting family suites in the city's RS-1 neighbourhoods.

BACKGROUND

On February 10, 1987, Council instructed the Director of Planning to report back on "amending the definitions of "family", "household", and "dwelling unit" to decrease ambiguity now existing in the by-law... ." The report was requested as part of a program to develop a more appropriate mechanism for regulating secondary suites in the RS-1 District. Of particular concern were the implications of permitting secondary suites for family members throughout the District.

The set of terms under consideration was most recently revised in 1966. Over the last twenty years, there have been significant changes in the kinds of households that have chosen to live in the city's RS-1 neighbourhoods and the types of residential buildings which they occupy. The nuclear family, comprised of a husband, wife and one or more children, for which these neighbourhoods were originally intended, has declined in its relative significance. In 1971, approximately 50% of all households in the RS-1 District were occupied by such families; by 1981 this figure declined to less than 40%.

During this same period various types of households have increased in significance. Many of these such as single person, childless couple, empty nester (couples whose children have left home), and lone parent families are usually smaller than the traditional nuclear family. Others, such as extended families (includes non-immediate relatives such as uncles, sisters, cousins, etc.) and blended families (two parents with children from previous relationships) are generally larger.The residential needs of many emerging households are different from those of the nuclear family. Some of these households live together in one dwelling unit; others have disregarded the existing by-law and have chosen to live in houses containing illegal suites.

It is estimated that there are now over 26,000 such suites. This means that approximately one in four houses in the city's RS-1 neighbourhoods or 15% of all the city's housing stock is in violation of the Zoning and Development By-law. Given this widespread contravention, Council must determine which aspects of the by-law should be amended and which should be more strictly enforced. Much of the work required to make appropriate decisions will be carried out on a neighbourhood by neighbourhood basis. Here each community will be given an opportunity to help determine whether and where secondary suites and/or other forms of multiple dwellings will be permitted. However, some work, including the definition of the family and regulations for family suites may best be addressed on a city-wide basis. This is true in part because the definition will affect all zoning districts which permit residential uses. It will also help ensure that the basic intent of the RS-1 District Schedule - to maintain the single-family character of the area - is implemented in all RS-1 neighbourhoods in a consistent and equitable manner.

This report is divided into two sections. Section I reviews the current definition of the family and proposes an amended definition and regulations to specify the relationships among people permitted to occupy a dwelling unit. Section II addresses the question of whether family suites should be permitted in the RS-1 District, who should be permitted to occupy them, and how they could be regulated.

SECTION I: DEFINITION OF THE FAMILY AND ASSOCIATED REGULATIONS

THE CURRENT DEFINITION OF THE FAMILY

A "One-Family Dwelling" is a residential building commonly found in low density neighbourhoods. The Zoning and Development By-law indicates that it is supposed to contain one dwelling unit which is occupied by one family. The by-law uses the term "Family" to define the relationships among those who can live together in a dwelling unit. The definition applies to all dwelling units in each of the city's zoning schedules. Family is currently defined as:

> "one or more individuals living as a household and in the case of persons unrelated by blood or marriage, shall not exceed three in number, but shall not include boarders, lodgers or foster or day-care children or groups of persons comprising a monastery, seminary, convent or similar religious group."

According to this definition, a family can contain a maximum of three unrelated individuals or an unlimited number of persons related by blood or marriage. Relevant regulations in Section 10 of the by-law indicate that a dwelling unit can be occupied by one family plus as many as two boarders or lodgers and five foster or day care children.

Historically, the term family has been used as a way of indirectly controlling population density. It has been assumed that families are generally stable and of limited size. In recent years, however, the composition of many family households has changed significantly. In light of these changes, Council can opt to:

A. Retain the current definition of the family despite the fact that it excludes several types of emerging families.

B. Delete the term family and consider replacing it with a maximum number of adults per dwelling unit.

C. Amend the term family to better correspond to emerging household patterns.

After considerable deliberation concerning such issues as preservation of neighbour character and housing requirements of different types of households, the Director of Planning recommends that, the definition of the family should be updated to reflect many of the lifestyle changes which have become significant components in the social fabric of RS-1 District neighbourhoods.

AMENDING THE DEFINITION OF THE FAMILY AND HOUSEHOLD

The Director of Planning, in consultation with the Director of Legal Services and the Director of Permits and Licenses recommend that the definition of the family be amended to include common law relationships and children by adoption. The proposed wording is:

> " either (a) two or more individuals all related to one another by blood, marriage, or legal adoption or (b) as many as three unrelated individuals. For the purposes of this definition, (i) two people living together in a common law relationship shall be deemed to be married and (ii) the blood relations of both parties to a common law relationship shall be considered to be related to the partners and to each other as required above".

Appendix I discusses the consequences of including these relationships and notes that in practice, any two people living together and claiming to be married will have to be accepted as a family as it is not feasible or desirable to inquire into the nature of a relationship.

The Director of Planning also recommends that term "Household" be added to the by-law to specify who, in addition to family members, is permitted to occupy a dwelling unit:

> "a family plus any household support persons, caretakers, and dependent persons, and as many as two boarders or lodgers or five foster or day care children, living together as a family in a dwelling unit."

The implications of the proposed definitions of family and household are elaborated in Appendix I with respect to (A) Marriage Relationships, (B) Blood Relationships, (C) Children, (D) Boarders and Lodgers, (E) Household Support Persons and Caretakers, and (F) Dependent Persons.

It is suggested that the proposed changes apply to dwelling units, including the principal dwelling units in houses containing secondary suites, throughout the city. This would apply to the entire RS-1 District as well as other districts where residences are permitted. The Director of Permits and Licenses notes that there have been very few complaints received concerning households which conform to the current definition or associated regulations. However, should Council embark on a more rigourous enforcement program, the definition of the family should be updated to ensure it is consistent with what are now considered to be generally acceptable living arrangements.

SECTION II: FAMILY SUITES

It is estimated that approximately five to fifteen percent of all secondary suites (1300 to 3900) in the RS-1 District are occupied by members of the family that occupies the principal dwelling unit. These family suites are illegal in that they are not permitted by the RS-1 zoning schedule. Enforcement has been withheld on the approximately 100 known suites as a result of Council's Parent Suite Policy.

According to the by-law, one-family dwellings are permitted as an outright use in the RS-1 District. Strictly interpreted, a "one-family dwelling" can contain one "dwelling unit" and be occupied by one "family" (plus boarders, etc.). Limited by-law enforcement and the recent changes noted in housing type and household composition have resulted in the term one-family dwelling becoming increasingly inaccurate:

A. More than one family sometimes occupy a single detached residential building which contains only one dwelling unit. (ie. cooperative households, homesharing)

B. One family sometimes occupies a single detached residential building which contains more than one dwelling unit. (ie. family suites)

C. More than one family often occupy a single detached residential building which contains more than one dwelling unit. (ie. rented secondary suites)

The Director of Permits and Licenses advises that most complaints received by his department have concerned category C (rented secondary suites). There have been very few complaints about categories A or B. Given the small number of complaints concerning family suites, there are several good reasons that they should be permitted throughout the RS-1 District:

- It would be consistent with the intent of the RS-1 District Schedule which is to "maintain the single-family residential character of the District". While it is true that houses containing family suites have two dwelling units, it is also true that they contain only a single family.

- Changing socio-economic conditions make family suites more desirable for many households. These conditions include the aging of the population, high rates of unemployment for young people, and increased numbers of extended immigrant families. By permitting family suites, family members could better support one another and thereby somewhat reduce the need for social housing and services.

The disadvantages of permitting family suites are that:

- It would be more difficult to enforce the by-law because inspectors would have to determine, on an ongoing basis, not only if a suite exists, but if it is occupied by the appropriate family members.

- If a narrow range of blood or marriage relations are permitted to occupy family suites, many people who are non-family members or who are members of alternative or extended families may feel discriminated against.

- The by-law may be challenged court by tenants or owners who perceive themselves to be adversely affected. The Director of Legal Services notes that it is likely that the proposed changes to the Vancouver by-law would be upheld, if the needed Charter amendments are obtained.

A major concern about permitting family members to live in suites has been the fact that once a family suite is constructed, it could be converted into revenue accommodation. The recomended enforcement and administration procedures described below were drafted so as to be sensitive to that concern.

On the assumption that necessary Charter amendments can be obtained to implement an appropriate enforcement procedure, on balance, the Director of Planning, the Director of Legal Services, and the Director of Permits and Licenses recommend that family suites be permitted as a conditional use, limited in time, throughout the RS-1 District.

WHO SHOULD BE PERMITTED TO OCCUPY A FAMILY SUITE?

If family suites are permitted in the RS-1 District as a conditional use, regulations will have to be established to specify who can occupy them. The following factors should be considered in drawing up these regulations:

A. Number of Family Suites Per Dwelling

It is recommended that the RS-1 District Schedule be amended to permit the following types of secondary suites, as conditional uses, in one-family dwelling:

- Family Suite
- Household Support Person Suite
- Caretaker Suite (currently permitted)

The Director of Planning recommends that one-family dwellings be permitted to contain a family suite plus a caretaker suite and/or a household support person suite as required and documented. He advises that there are many homes that are large enough to accommodate these uses and that they would help enable families with various needs to remain in the RS-1 District.

The Director of Permits and Licenses recommends that only one secondary suite be permitted per one-family dwelling because additional suites will likely generate additional parking problems.

B. Ownership Status of Primary Occupants

The primary occupants of a dwelling could be identified either as:

- one of the owner occupants of the dwelling and his or her partner.

OR

- one tenant, and his or her partner, who is registered as being responsible for renting the dwelling and ensuring that only permitted persons reside in the family suite.

Some of the municipalities which permit family suites in effect require that the primary occupant be an owner of the house. The advantages of doing this include that if prosecution becomes necessary, it would be somewhat easier to locate the owner occupant and to hold him or her accountable if the suite is occupied by non-family members. The disadvantage of limiting family suites to owner occupied dwellings is that is restricts the rights of long term tenants. On balance, the Director of Planning favours permitting family suites for both owner and tenant occupied houses.

C. Family Relations

The following is a set of options describing different types of families that could be permitted to occupy a family suite. Family membership is determined by how people are related to the primary occupants (see B. above). The options are listed from the most to the least restrictive:

C1. Primary Family:
- a. one or two primary occupants;
- b. grandparents, parents, children, and grandchildren of the primary occupants;
- c. the partners of the grandparents, parents, children and grandchildren of the primary occupants.

C2. Extended Family:
- a. one or two primary occupants;
- b. grandparents, parents, children, and grandchildren of the primary occupants;
- c. the partners of the grandparents, parents, children and grandchildren of the primary occupants;
- d. brothers or sisters of the primary occupants;
- e. partners and children of the brothers or sisters of the primary occupants;
- f. uncles and aunts of the primary occupants;
- g. first cousins of the primary occupants.

C3. Any Family Member

On the one hand, restricting the range of relations permitted to occupy a family suite will make the by-law somewhat easier to enforce and will reduce the potential number of suites. On the other hand, it will also exclude from such occupancy many immigrant and alternative lifestyle families that might wish to have family suites.

However, permitting family suites is a significant change to the RS-1 District Schedule that may have impacts that are difficult to foresee. As a result, at this time staff recommend that the extent of family relations for family suites be restricted to primary family members as described in option C1. The occupancy regulations for the principal dwelling unit in a house containing a suite should be the same as for any dwelling unit.

D. Boarders and Lodgers

If family suites are permitted, Council may wish to adjust the number of boarders permitted in the primary dwelling unit and/or in the secondary suite according to one of the following:

D1. If a dwelling contains a suite, do not permit boarders or lodgers in either the principal dwelling unit or the secondary suite;

D2. If a dwelling contains a suite, permit up to two boarders or lodgers in the principal dwelling unit, but no boarders or lodgers in the family suite;

D3. If a dwelling unit contains a suite, permit up to two boarders or lodgers in both the primary dwelling unit and up to two boarders or lodgers in the secondary suite.

The Director of Permits and Licenses Favours D1 because boarders are more likely to generate more parking problems. The Director of Planning favours D2 because this provides residents with more flexibility in their choice of living arrangements, the number of households that choose to have boarders is not very large, and because the city contains many houses that can easily accommodate two boarders in addition to a family suite.

E. Caretakers and Household Support Persons

Section 3.2.DW of the RS-1 District Schedule permits a suite for

> "a caretaker or servant ... provided that the site or dwelling is of sufficient size to warrant a full-time caretaker or servant."

This principle should be extended to include Household Support Persons. As described in Appendix I, these are individuals who provide basic support services for family members.

These services are especially required by seniors and disabled people. They may, however, also be required by dual income earning families, especially those with children. Council may wish to restrict suites for household support persons to those households experiencing documented medical problems or it may wish to permit such suites to any house that requires support. Clearly the less documentation required to demonstrate the fact that someone is indeed a household support person, the more difficult it will be to enforce the by-law.

F. Dependent Persons

The Director of Planning recommends that persons who would presently qualify as a dependent under the Income Tax Act the Immigration Act (sponsored immigrant) of the family, be permitted to occupy family suites. Registration would require documentation to the satisfaction of the Director of Permits and Licenses.

AMENDING DWELLING USE TERMS AND REGULATIONS TO PERMIT FAMILY SUITES

The Zoning and Development By-law currently defines dwelling unit as "a self-contained housekeeping unit" and a one-family house as "a building containing only one dwelling unit". These definitions will be reviewed with any amendments put forward so that they are compatible with the provision of secondary suites for family members.

Furthermore, the term secondary suite should be added to the by-law and defined to indicate that it is an additional dwelling unit located in a one-family dwelling. Regulations should ensure that houses containing suites do not have two front doors. This should help make it very difficult to distinguish, from exterior appearance, a house containing a suite from one that has only one dwelling unit. This is in to help maintain the "single-family" character of the RS-1 District.

In addition, a house containing a family suite should be easy to convert back to one dwelling unit. Suites in new houses should be required to have a private entrance from a common stairway or hallway to help achieve this objective.

ENFORCEMENT OF FAMILY SUITE REGULATIONS

The Director of Permits and Licenses, in consultation with the Director of Legal Services and the Director of Planning, has proposed an enforcement program to permit family suites. It will be applied in neighbourhoods where family suites are permitted, but non-family, revenue suites remain illegal.

This program is designed to ensure that secondary suites provide safe accommodation and are occupied only by members of the family of the primary occupants of the principal dwelling unit or by other permitted persons. Critical safeguards in the program are that family suites will be (a) permitted only as a conditional use and (b) licensed for a period of up to two years, after which the license would have to be renewed and (c) registered on the title. Other regulations include:

A. All property owners will be informed of the new regulations as they pertain to their neighbourhood. Family suite owners will be given four months to register their suites. They will have one year to comply with the regulations, other than those related to life safety with respect to which, compliance will be required as soon as possible. Enforcement action will be initiated against existing unregistered suites.

B. Owners wishing to have a family suite must:
   B1. Apply for a family suite license and/or development permit and meet appropriate building, electrical, plumbing, etc. codes.
   B2. Provide documentation, demonstrating to the satisfaction of the Director of Permits and Licenses, that the occupants of the family suite meet the occupancy criteria provisions of the by-law.
   B3. Provide a $5000 bond, letter of credit, or security satisfactory to the Director of Permits and Licenses. This will be returned to the owner when the Director of Permits and Licences is satisfied that the family suite is closed as a separate dwelling unit.
   B4. Register the family suite as a covenant on the title of the property.
   B5. Renew their family suite license every two years or upon sale of the house and update it upon any change in occupancy.

C. All registered family suites will be inspected within three months of occupancy and many will be re-inspected on a random basis or upon complaint to ensure they comply with the regulations. Should a suite fail to comply, the $5000 bond may be forfeited and the owner may be subject to prosecution.

D. The family suite license could be revoked at any time, should Council determine that the suite is adversely affecting the quality of life for surrounding neighbours.

E. Owners of unregistered family suites or registered family suites which do not comply with the by-law will be prosecuted and subject to a substantial fine. It is suggest that the minimum fine be set at $5,000 and the maximum fine at $10,000.

It is anticipated that the registration and inspection of family suites as well as the inspection and monitoring of non-family suites can be carried out on a cost recovery basis. Revenues will come from the existing Permits and Licenses Department budget and from registration fees and fines. The costs of prosecution are difficult to calculate at this time and may require additional City resources and/or addition provincial court staff.

Although these enforcement measures may appear severe, the Director of Permits and Licenses, the Director of Legal Services and the Director of Planning believe they are required if Council is to ensure that these suites are occupied by permitted family members. Without strict and vigilant enforcement, an amendment of the by-law to permit family suites throughout the RS-1 District would likely result in a proliferation of illegal suites.

The Director of Legal Services notes that various amendments to the Vancouver Charter and other Provincial legislation may be required to enable the City to implement several aspects of this enforcement program. A rough draft of amendments to be considered by Council for submission to the Province has been prepared and will be presented in a subsequent report. These amendments will ensure that the City is enabled to:

- regulate who can occupy a dwelling unit
- permit conditional uses
- secure a substantial (eg. $5000) family suite deposit
- register occupants of a dwelling unit
- establish a $5000 minimum fine
- establish a $10,000 maximum fine
- revoke the family suite licenses of those suites which adversely affect their neighbours
- prevent strata-titling of family suites in new houses (see Appendix III)

The Director of Legal Services advises that in a recent case, the B.C. Supreme Court quashed a North Vancouver District family suite by-law. His preliminary understanding is that this decision indicates that under the Municipal Act, the District is not currently empowered to regulate the occupancy of dwelling units. In his opinion, the Vancouver Charter does give the City statutory authority to regulate occupancy. Therefore, staff recommend that Charter amendments be approved by the Province to provide effective enforcement capability before the Zoning and Development By-law is changed to permit family suites.

CONCLUSION

The Zoning and Development By-law provides a mechanism for guiding the process of the city's residential development. In order to be effective, the by-law must be updated periodically to ensure that its regulations are reasonably compatible with emerging trends in family lifestyles.

The definition of family and regulations permitting only one dwelling unit per house in the RS-1 District were established more than a half a century ago. Over this period there have been significant changes in the types of families occupying this district and their housing needs. Of particular concern is the fact that approximately one in four houses in the district contain illegal suites. Clearly the by-law and/or its enforcement procedures must be amended if they are to be in better balance with the city's housing patterns.

Council has embarked on a program to strike a better balance. Two initial steps in this process are to consider amending the definition of the family and to address the question of family suites. These two topics are separate. Council may choose to proceed with one independent of the other.

On the definition of family, Council has several options including maintaining the present definition or making it more or less restrictive. Some options are outlined in Appendix 11. While staff are suggesting that the definition be broadened, we recognize that this is a difficult issue and are seeking Council's advice.

Vancouver is not alone in tackling the issues of family and family suites. Other cities are finding that their definition of family is no longer appropriate and that "family" and family suite regulations are being challenged through the courts.

Before amending the RS-1 Schedule to permit family suites it is advisable to ensure the City has the authority to proceed as outlined. The Director of Legal Services advises that the City Charter should be amended to enable the City to implement an effective family suite enforcement program and to confirm the City's ability to establish family suites as a conditional use. A draft wording for the necessary Charter Amendments has been prepared and will shortly be before Council.

Many of the issues involved are technical and complex. Underlying these complexities is the reality that Council is faced with a set of very serious and difficult dilemmas concerning the kinds of living arrangement that occur in a complex and multicultural society and the degree to which it is appropriate for the City to attempt to regulate these living arrangements through its Zoning and Development By-law.

The report talks about some of the alternatives. No doubt there are others to consider. Before proceeding further it would be helpful if Council would schedule a workshop to discuss the proposals for amending the definition of family and for providing for family suites in RS-1 areas and, if a decision is taken to proceed to Public Hearing, a program to provide for public input.

This report is part of a package of actions to address the issue of suites in RS-1 areas. It outlines several issues which could be addressed on a city-wide basis. Decisions on where non-family suites will be permitted and where suites which do not comply will be phased out will be taken on a neighbourhood by neighbourhood basis. The Joyce Area program is the first area review. Council will be receiving proposals for future neighbourhood reviews and for a general suite enforcement program. This report outlines a procedure for permitting family suites. It is important to emphasize that the proposed enforcement program is only for suites which purport to be for family occupancy.

RECOMMENDATIONS

The Director of Planning, in consultation with the Director of Legal Services and the Director of Permits and Licenses recommends:

A. THAT the Director of Legal Services be instructed to report back on appropriate Charter Amendments to provide the necessary authority to implement an effective family suite enforcement program.

B. THAT the Comitttee schedule a workshop with staff to review the alternatives outlined in this report and, if appropriate, provide instruction to staff for preparing the necessary by-law amendments for consideration at a Public Hearing.

APPENDIX I

DEFINITION OF FAMILY AND HOUSEHOLD

A. Marriage Relationships

The current by-law does not define "marriage". In strict legal terms, it thereby excludes several increasingly common forms of cohabitation. Vancouver could follow the lead of some municipalities which permit "common law" marriages. This is normally done by defining marriage to include a common law marriage which is then defined to be a man and a woman living together as a family without the sanctity of marriage. It is not possible, or even desirable to determine the nature of a relationship. Thus, by accepting "common law relationships", Council will, in practical terms, be permitting a man and a woman or two individuals of the same gender and their respective families to reside together for economical reasons as well as for reasons of affection. It is unlikely that there would be great numbers of such cases.

If common law marriages are included, then the definition of family would be amended as described in the report. In terms of planning and zoning powers and their effect, the Courts have indicated that there is no basis to discriminate between common law and traditional marriages. To include common law relationships removes a ground of legal challenge to the by-law.

In determining which relationships should be recognized by the by-law, Council will understand that the more restrictive the permitted relationships, the larger the number of households that will fall outside the by-law and possibly be the unintended objects of a stricter enforcement program. The wider the range of permitted relationships, the greater may be the amount of required administration and enforcement.

B. Blood Relationships

The current by-law does not specify the degree to which a family can be extended by blood. In effect, blood relations are not bounded. Despite the wide range of individuals permitted to occupy a dwelling unit under this provision in the by-law, the Director of Permits and Licenses notes that it has resulted in very few complaints. The Director of Planning therefore recommends that it remain unchanged.

There have, however, been some complaints about the occupancy of secondary suites by extended family members. If Family Suites are permitted throughout the RS-1 District, Council may wish to maintain the flexibility provided by the current definition with respect to dwelling units and to provide more restrictive occupancy requirements for houses containing family suites. This is the course of action recommended in this report.

C. Children

Unlike the family definitions of many municipalities, the Vancouver definition does not specify that children by adoption are as much a part of the family as children by birth. This should be amended. The by-law restricts the number of foster or day care children to five. In order to clarify that any child being cared for and financially dependent upon the family is a foster child, the definition should be amended to so state, regardless of the existence of status under child welfare legislation. If a family wishes to house more than five of these types of children, it can do so by meeting the requirements for a Special Needs Residential Facility.

D. Boarders and Lodgers

The current by-law permits a family plus up to two boarders or lodgers to occupy a dwelling unit. This provides some flexibility in the types of living arrangements people can choose to make and has not led to a significant number of enforcement complaints.

E. Household Support Persons

Household Support Persons are individuals, not including caretakers or servants, who provide various support services for family members. Services include childcare (nannies), food preparation, housekeeping, and health care. Many municipalities permit these individuals to be included as part of the family definition so they can be readily accessible to those requiring their services. This also enables household support persons to receive all or a portion of their wage through the provision of free or reduced cost room and/or board.

These services are especially required by seniors and disabled people. They may, however, also be required by dual income earning families, especially those with children. Council may wish to permit accommodation for household support person in addition to or in place of accommodation for boarders. Furthermore, it may wish to restrict the provision of special accommodation for household support persons to those households experiencing documented medical problems or it may wish to permit such accommodation for any house that requires support. Clearly the less documentation required to demonstrate the fact that someone is indeed a household support person, the more difficult it will be to enforce the by-law.

F. Dependent Persons

The current by-law makes no special provision to include as household members individuals who may or may not be related by blood or marriage, but who are registered as dependent on the family due to very low income financial, medical reasons, or because they are sponsored by the family for immigration. Registration would require documentation to the satisfaction of the Director of Permits and Licenses.

APPENDIX II

THE DEFINITION OF FAMILY AND FAMILY SUITE: CHOICES

Definitions of "family", "household", "family suite", and a "family suite enforcement program" are proposed in this report. The definitions have been selected after careful consideration of a variety of alternate definitions. Clearly there are many perspectives on the definition of family and of the conditions under which a family suite might be permitted. Staff are seeking direction from Council before preparing draft by-law amendments for consideration at a Public Hearing. The following outlines the present by-law wording, the proposed revision, and some of the options considered. Preferred options are noted with a *.

Definition of Family

Present Definition:

> "One or more individuals living as a household and in the case of persons unrelated by blood or marriage, shall not exceed three in number, but shall not include boarders, lodgers, or foster or day-care children or groups comprising a monastery, seminary, convent, or similar religious group."

Proposed Definition:

> "A family is defined as either (a) two or more individuals all related to one another by blood, marriage, or legal adoption or (b) as many as three unrelated individuals. For the purpose of this definition, (i) two people living together in a common-law relationship shall be deemed to be married and (ii) the blood relations of both parties to a common-law relationship shall be considered to be related to the partners and to each other as required above."

Choices:

1. Marriage Relations: (choose a, b, or c)

   a. Legally married.
   b. Legally married and common-law man and woman, or
* c. Two adults, regardless of their gender.

2. Blood Relations: (choose a,b, or c)

   a. A restricted set of blood relatives.
* b. All persons related by blood (current definition).
   c. Any persons, regardless of blood relation.
      (set a maximum number of adults per household)

3. Children: (choose a or b)

   a. Children by birth. (current by-law)
* b. Children by birth and by adoption.

Definition of Household

Present Definition: none.
However Section 10.21.1 of the Zoning and Development By-law specifies the occupants of a dwelling unit as:

"No dwelling unit shall be used or occupied by more than one family, but it may also be used to keep a maximum of two boarders or lodgers, or five foster or day-care children."

Proposed Definition:

"A household is a family plus dependent persons, household support persons, caretakers, and as many as two boarders or lodgers or five foster or day care children living together as a family in a dwelling unit."

Choices:

1. Boarders and Lodgers (choose a, b, c, d, or e):

   a. Permit two boarders or lodgers (current by-law).
   b. Medically required Household Support Persons (eg. health care worker or housekeeper to assist a disabled person) plus (a).
   c. Any Household Support Persons (eg. nannies) plus (a) and (b).
* d. Caretaker (currently permitted under Section 3.2.D if the size of the site and/or dwelling are of sufficient size to warrant a full-time caretaker or servant) plus (a), (b), and (c).
* e. Dependent Persons (as defined in the Income Tax and Immigration Acts) plus (a), (b), (c), and (d).

Family Suite By-law

Present By-law: None.

Proposed By-law:

To permit secondary suites for family members and/or household support persons, dependent persons, and/or caretakers.

Choices in Houses with a Family Suite:

1. Primary Occupants of Principal Dwelling Unit: (choose a or b)

   a. One owner occupant and partner.
* b. Either one tenant or one owner occupier and partner.

2. Family Relationships in Principal Dwelling Unit: (choose a, b, or c)

   a. Primary Family.
   b. Extended Family.
* c. Any Persons Related by Blood, Marriage, or Adoption.

3. Other Persons in Principal Dwelling Unit: (choose a, b, c, or d)

a. Two Boarders.
b. Household Support Persons.
c. Caretaker plus (a) and (b).
* d. Dependent person plus, (a), (b), and (c).

Choices for types of permitted suites:

4. Type of Family Suite: (choose a, b, c, or d)

a. Do Not Permit Any Family Suites.
* b. Primary Family Suite.
c. Extended Family Suite.
d. Family Suite for Any Person Related by Blood, Marriage or Adoption.

5. Type of Household Support Person Suite: (choose a, b, or c)

Household Support Persons are individuals who provide various support services for family members. Example services include childcare (nannies), food preparation, housekeeping, and health care.

a. Do Not Permit Any Household Support Person Suites.
b. Permit Suite for Provider of Medically Required Household Support Services.
* c. Permit Suite for Provider of Any Documented Household Support Services.

6. Type of Dependent Person Suite: (choose a or b).

Individuals who may or may not be related by blood or marriage, but who are defined through the Income Tax or Immigration Act as dependent on the family.

a. Do Not Permit Any Dependent Person Suites.
* b. Permit Suite for Dependent Persons.

7. Type of Caretaker Suite: (choose a or b)
a. Do Not Permit Any Caretaker Suites.
* b. Permit Suite for Caretaker (as currently permitted under section 3.2.DW of the RS-1 Schedule that is if the size of the site and/or dwelling are of sufficient size to warrant a full-time caretaker or servant.)

8. Number of Family and Household Related Suites Permitted: (choose a, b, c, or d)

a. One Suite Only: (choose i, ii, iii, iv, or v)
i. One Family Suite.
ii. One Household Support Person Suite.
iii. One Caretaker Suite.
iv. One Dependent Person Suite.
* v. Any one of the above.

b. Two Suites: (choose i, ii, iii, iv, or v)
   i. Family Suite plus Household Support Person Suite.
   ii. Family Suite plus Caretaker Suite.
   iii. Family Suite plus Dependent Person Suite.
   iv. Household Support Person Suite plus Caretaker Suite
* v. Family Suite plus one other suite as above.

c. More than two suites.

9. If more than one suite is permitted, should this reduce the number of non-family household members in the principal dwelling unit?: (choose a, b, or c)

a. No Non-Family Members.
* b. Restrict the Occupancy of the Principal Dwelling Unit by Non-Family Members to Two Boarders or Lodgers only.
c. Do Not Restrict the Numbers of Non-Family Occupants in the Principal Dwelling Unit.

APPENDIX III

SHOULD SECONDARY SUITES BE STRATA-TITLED?

If the Zoning and Development By-law is amended to permit suites, it will be necessary to ensure that suites are not strata-titled in areas where family, household support person, or caretaker suites are the only suites permitted. This is because once a suite is strata-titled, the City would, in a practical sense, find it next to impossible to prevent the owner from occupying it. This is true even if the owner of the suite is not a permitted occupant under the Zoning and Development By-law.

The City is currently empowered to prevent the strata-titling of existing houses as a condition of receiving a development permit for the suite. However, under the provincial Condominium Act, the City may not be able to prevent a new house containing a permitted suite from being strata-titled. As a result, amendments to the Vancouver Charter or the Condominium Act may be required to ensure that the family suite regulation can be enforced.

Recent attempts to amend the Condominium Act have been rejected by the Province. However, if this is tied to a package of legislation designed to address the issues associated with illegal suites, staff anticipate the City's request may receive a more favourable hearing. As an interim measure, it will be necessary to place a covenant against the title of any new houses located in neighbourhoods where the only suites permitted are family suites. This covenant would be a condition of receiving a development permit for constructing the house, if it contains a suite. Its purpose would be to prevent the suite from being strata-titled.

CITY OF VANCOUVER
PLANNING DEPARTMENT

REPORTS TO COUNCIL

SUBJECT: PROPOSED RS-1S REVENUE SUITE ENFORCEMENT PROGRAM AND RS-1 ILLEGAL SUITE PHASE-OUT

DATE: DECEMBER 17, 1987

COMMITTEE ACTION:

On December 17, 1987, The Standing Committee of Council on Neighbourhood, Cultural and Community Services considered a Manager's Report dated December 1, 1987, in which the Director of Permits and Licenses, in consultation with the Directors of Planning and Legal Services, outlined a long-term revenue suite enforcement program to replace the interim enforcement program adopted by Council on April 14, 1987. Two staff committees, the Enforcement Committee and the Review Committee, are implementing the interim program which:

- enforces closure of suites installed/occupied after October 22, 1986;
- closes suites considered an imminent danger;
- prioritizes closure of other suites.

After completion of each neighbourhood review, the interim enforcement program will be replaced by three types of enforcement programs:

- Enforcement Program for family suites
- Enforcement Program for permitted revenue suites - permits required.
- Enforcement Program to close revenue suites which will not be permitted or do not comply - phase out program.

The current report dealt with revenue suites and the phase-out program. It provided detailed information on the requirements under the Zoning and Development and Parking By-laws and the building and safety standards which must be met before an application for a revenue suite will be approved.

To recover application processing and inspection costs, permit fees for suites in RS-1 areas will be the same as those charged elsewhere in the City, as shown on the following table:

Type of Permit	Basis for Fee	1987 Fees
Development		$ 115.00
Building	Value of Work, i.e. $10,000	92.00
Plumbing	Fixtures, i.e. 3 fixtures	56.00
	Sprinklers - 20 heads	38.00
Gas	Each appliance i.e. 1 range	76.00
Electrical	Value of Work, i.e. $2,500	132.00
		$ 509.00

In addition, variable annual costs will be incurred for the license fee, water rates and increased property tax. In total, owners can expect to pay a one-time application fee of between $500 and $600, annual fees to the City for license and water ($6.00 - 1987 rate), plus any increased property tax as determined by the B.C. Assessment Authority and the City's mill rate.

The Director pointed out the difficulty in estimating upgrading costs due to the different problems in all buildings, but some example costs to meet the requirements were described in the report and, basically, amount to:

- Life Safety - sprinkler system - approximately $3,000 - $5,000 for a typical 'Vancouver Special', and between $5,000 and $10,000 for older homes.
- Ceiling Heights - typical 'Vancouver Specials' should comply with ceiling heights. Older homes, deficient in ceiling heights, will require major renovations which could cost between $10,000 and $40,000, depending upon the size of the dwelling, its structural condition and the extent of the renovations.
- Parking - most recently constructed buildings will comply. Homeowners with lane access will incur minimum cost to provide the required uncovered parking spaces and approximately $4,000 - $6,000 to provide public parking, although this is not a requirement. Consideration should be given to relaxing the parking requirement in cases where lane access, or driveway access to the rear of the house, is not possible.

It is expected that some owners may find it uneconomical to upgrade to meet standards, resulting in the closure of suites in neighbourhoods where they are permitted. In these instances, or where there are more than the allowed number of suites and owners are not prepared to upgrade and/or pay appropriate fees, a phase-out program similar to that used in neighbourhoods where revenue suites are not permitted, will be implemented.

Under the phase-out program, an owner must register the existing suite by a specified date following the rezoning and pay for a special inspection of the building. Dependent upon the seriousness of the deficiencies found, the period allowed for removal of the suite will vary, as shown in Appendix A1 attached.

The report discussed the details of administering the long term enforcement program, including:

- Notification of all property owners after completion of neighbourhood review (see Appendices A2 and A3 attached).
- Recovery of inspection and services costs through permit and registration fees.
- Additional inspection staff costs estimated at $1,000,000 to $1,200,000 per annum, recoverable from fees.
- Accommodation for additional staff, (leased premises or leased temporary building) estimated at $20,000 per annum for approximately 1,600 sq. ft.
- Possible increased workload in the Planning Department, dependent upon the decision on whether suites in RS-1S areas are made a conditional or outright use.
- Legal costs related to procedure to court are impossible to estimate. Given the revenue generated from an illegal suite, the Director of Legal Services proposed a Charter amendment to provide for a maximum fine of $10,000 where owners fail to register their suites, or permit occupancy in violation of the Zoning and Development By-law.

- Following initial inspections and enforcement, continued attention will be required to ensure phased-out suites remain closed and new suites are registered. Existing Property Use staff is sufficient to enforce on a complaint basis only.

In conclusion, the officials recommended:

- "That Council adopt the long term enforcement program as described in this report, for the neighbourhoods where the reviews have been completed and suites are either to be permitted or phased out.
- That Council instruct the Director of Permits and Licenses to report at the completion of each neighbourhood review what additional staff and costs are required to administer and enforce the programs in that neighbourhood.
- That Council instruct the Director of Legal Services to draft a Charter Amendment which will provide for a maximum fine of $10,000 against an owner whose building is occupied in violation of the by-law and amend the by-law, to raise the minimum fine to $1,000.00."

Mr. Jack Perri, Assistant Director - Permits & Licenses, explained the long term revenue suite enforcement program will be implemented in areas where neighbourhood reviews determine that revenue suites will, or will not, be permitted. Mr. Perri reviewed the salient points, noting that a reasonable phase-out program is necessary for owners and tenants to make alternate arrangements. Life safety measures will be the top priority in determining the length of the phase-out period.

The Deputy City Manager stressed the importance of the immediate implementation of a stringent enforcement mechanism both for the legalization of revenue suites where permitted, and for the success of the phase-out program in areas where they become illegal. In response to specific questions on life safety and building standards, Mr. Dobell pointed out the Director of Permits and Licenses would be reporting back with a set of amendments for discussion and consideration by the Committee.

There was general agreement with the overall enforcement program as proposed, although some members felt the phase-out program should be completed in less than ten years. However, there was a consensus that the maximum period of ten years should be the same for owner-occupied or absentee owner houses, and, therefore, Appendix A1 should be amended accordingly. During further discussion, it was noted that some suites will lapse almost immediately, some as time passes with change of ownership, and ten years is the absolute maximum. Also, in response to concerns about additional staff, the Deputy City Manager explained that the report did not requies approval at this time, but merely warned of the potential.

The Committee, therefore recommended:

A That Council adopt the long term enforcement program as described in the City Manager's report dated December 1, 1987, for the neighbourhoods where the reviews have been completed and suites are either to be permitted or phased out.

B That Council instruct the Director of Permits and Licenses to report at the completion of each neighbourhood review what additional staff and costs are required to administer and enforce the programs in that neighbourhood.

C That Council instruct the Director of Legal Services to draft a Charter Amendment which will provide for a maximum fine of $10,000 against an owner whose building is occupied in violation of the by-law and amend the by-law, to raise the minimum fine to $1,000.00

D That the maximum period of ten years be the same for a non-owner occupied house as for an owner-occupied house, and Appendix A1 be amended accordingly.

CITY COUNCIL ACTION:

Extract from the Minutes of Vancouver City Council Meeting of January 5, 1988

In presenting the Committee's report, Alderman Taylor noted that Alderman Caravetta voted in opposition to the Committee's recommendations which is not reflected in the report.

Mr. J. Perri, Assistant Director - Property Use Division, responded to questions from members of Council and reviewed the proposed Long Term Revenue Suite Enforcement Program as recommended by the Committee.

Moved by Alderman Caravetta, that this matter be referred back to the Standing Committee of Council on Neighbourhood, Cultural & Community Services for further review and consideration.

-LOST

(Alderman Bellamy, Boyce, Owen, Price, Puil, Taylor and the Mayor opposed)

Moved by Alderman Taylor, that the recommendations of the Committee, as contained in clause 2 of this report, be approved.

-CARRIED

(Aldermen Caravetta, Davies and Eriksen opposed)

Moved by Alderman Baker that suites in existence at the time of adopting the Long Term Enforcement Program be considered legally non-conforming except for those suites where parking deficiencies or an imminent danger exists.

-LOST

(Alermen Bellamy, Owen, Price, Puil, Taylor and the Mayor opposed)

OTHER:

MANAGER'S REPORT

DATE December 1, 1987

TO: Standing Committee of Council on Neighbourhood, Cultural & Community Services

SUBJECT: RS-1 Single Family Long-Term Revenue Suite Enforcement Program

CLASSIFICATION: RECOMMENDATION

The Director of Permits and Licenses, in consultation with the Directors of Planning and Legal Services, reports as follows:

"PURPOSE

The purpose of this report is to outline a long term revenue suite enforcement program to be implemented where, as a result of neighbourhood reviews or other Council actions, a decision is made as to conditions under which revenue suites will or will not be permitted. In such neighbourhoods it is proposed that this program replace the interim enforcement program adopted by Council on April 14, 1987.

BACKGROUND

On April 14, 1987, Council adopted an interim suite enforcement program pending consultation with residents to determine whether suites will be permitted in their neighbourhood. The first neighbourhood review has been conducted in Joyce. The initial results of that review have been reported separately to Council.

Pending neighbourhood reviews, the interim suite enforcement program is presently:

-enforce closure of suites installed/occupied after October 22, 1986.

-Close suites considered an imminent danger.

-Prioritize closure of other suites

Two staff committees are implementing the interim suite enforcement program. These are:

The Enforcement Committee

This Committee consists of representatives from the Law, Permits and Licenses, Fire, Health, Social Planning and Police Departments and was established to deal with and initiate the appropriate enforcement action regarding matters of imminent danger and possible liability. An information report on this Committee's activities was considered by the Neighbourhood Cultural and Community Services Committee on May 7, 1987 and received by Council May 26, 1987.

The Review Committee

This Committee consists of representatives from the Permits and Licenses and Law Departments. The Committee meets to review matters regarding illegal suites in the RS-1 areas and to establish priorities for the interim enforcement program based on the disruption caused to the neighbourhood, i.e. noise, parking, more than one additional suite, etc.

It should be noted that enforcement continues to be on the basis of a complaint being received or a routine finding by an Inspector.

LONG TERM REVENUE SUITE ENFORCEMENT PROGRAM

The interim enforcement program, described above, is a temporary measure pending decisions on conditions under which suites will or will not be permitted citywide (e.g. family suites) or for different neighbourhoods. After completion of each neighbourhood review, the interim enforcement program will be replaced in that neighbourhood by what appears at this time to be three types of enforcement programs:

1. Enforcement program for family suites (subject of separate report).

2. Enforcement Program for permitted revenue suites -- permits required.

3. Enforcement Program to close revenue suites which will not be permitted or do not comply -- phase out program.

NEIGHBOURHOODS WHERE REVENUE SUITES ARE PERMITTED

In neighbourhoods where revenue suites are permitted, approval should be subject to compliance with the Zoning and Development By-law, the Parking By-law, the Building By-law and all other relevant By-laws. To submit an application for a suite, owners or their representatives must attend the Permits and Licenses Department with appropriate plans and fees. They will be advised (See Appendix A2) of details and fees required for submission of a Development Permit Application.

Requirements and Standards:

a. Zoning and Parking By-laws

Neighbourhood reviews will determine the conditions under which suites are acceptable. Following rezoning to permit suites, a Development Permit will be issued if the proposed development complies with all relevant standards and by-laws as noted below.

b. Building Standards

Following are basic by-law requirements and safety standards that must be met for approval of a suite:

Acceptable floor to ceiling height.
Acceptable natural light and ventilation.
Adequate means of egress (exits).
Acceptable fire protection and separation.
Sound separations.
Hard-wired smoke alarms in each unit.

All plumbing, gas and electrical installations and fixtures must also comply with relevant by-laws.

Note: Request for By-law Amendments to allow minimum standards for conversions will be submitted later.

Costs of Permitting Suites

The principal purpose of permit fees is to recover costs for application processing and inspections.

a. Permit Cost

All owners wishing to establish a legal suite will be required to apply for a Development Permit and pay appropriate annual fees. Fees are adjusted annually to reflect costs. The fees (noted below) to be charged for suites in RS-1 areas will be the same as those presently applied to applications elsewhere in the City (e.g. RT-2 areas):

Type of Permit	Basis for Fee	1987 Fees
Development		$115.00
Building	Value of Work, i.e. $10,000	$92.00
Plumbing	Fixtures, i.e. 3 fixtures	$56.00
	Sprinklers - 20 heads	$38.00
Gas	each appliance i.e. 1 range	$76.00
Electrical	Value of Work, i.e. $2,500	$132.00
		$509.00

In addition, the owner will incur the following annual costs. These are determined yearly based on the cost of providing service.

Item	
License - each additional unit (1987 Fee)	$26.00
Water	*$30.00
Property Tax	**

* The Waterworks By-law provides for a charge of $30.00 per year for each additional dwelling unit in a home.

** The B.C. Assessment Authority advises that this situation will require evaluation area by area. Since the Assessment Authority receives copies of the Building Permits, they will have the necessary information to monitor and evaluate the assessed value for determining appropriate taxes.

In total, owners can expect a one time application fee of about $500-600 and annual fees to the City for a License and water ($56.00 - 1987 rates) in addition to any increased Property Tax as determined by the B.C. Assessment Authority and the City's mil rate.

Upgrading Costs

Because almost all buildings have different problems, it is very difficult to predetermine what the upgrading costs will be. Some example costs are noted below:

a. Life Safety

A sprinkler system appears to be the most reasonable method for obtaining an acceptable life safety standard as opposed to doing major construction repair work and renovation. It is estimated to cost approximately $1.00/sq.ft. to retrofit a house with a sprinkler system.

For a typical "Vancouver Special" it is estimated that upgrading will cost approximately $3,000 to $5,000 with a sprinkler system. Costs for older homes will vary but will likely be about $5,000-$10,000 with a sprinkler system as opposed to $10,000-$40,000 without sprinklers.

b. Ceiling Heights

Typical "Vancouver Specials" where two floors are built on grade, with no basement, should comply with ceiling heights.

Council should note though, that there are some older homes that will not be able to readily meet the minimum required ceiling height. If the building is deficient in ceiling height, major renovations and costs will be incurred. Depending on the condition (good or poor) of the existing structure, the extent of the renovations, the size of the dwelling, etc., costs will be in the tens of thousands (rough estimate $10,000 to 40,000) depending on the method of compliance an owner chooses to pursue.. Given these costs, there will be some owners who will close their suites.

c. Parking

Assuming parking standards are set at two (one for principal dwelling unit and one for secondary suite), most recently constructed buildings will comply. Sites that have lane access but are deficient in parking spaces will probably incur a minimum cost to provide uncovered parking spaces and, although not a requirement, approximately $4,000-$6,000 to provide covered parking. It is unlikely that sites having no lane access will be able to meet the parking standard unless driveway access to the rear of the house is feasible and, where not possible, consideration should be given to relaxing this requirement in these instances.

Closure Of Suites In Neighbourhoods Where Revenue Suites Will Be Permitted

While it is expected that most houses are sufficiently adaptable to include a suite, there will still be some closures in neighbourhoods where the Zoning is amended to permit revenue suites.

In some cases owners will assess the costs and find that it is not economical to upgrade to meet standards. Where suites do not meet standards, or, where there are more than the allowed number of suites and owners are not prepared to comply with upgrading and/or paying appropriate fees, closure procedures as outlined below will apply.

NEIGHBOURHOODS WHERE REVENUE SUITES WILL NOT BE PERMITTED

In neighbourhoods where revenue suites will not be permitted, a reasonable phase-out program should be established to enable owners and tenants to make alternative arrangements. Owners wishing to take advantage of the phase-out program will be required to register the existence of a suite by a specified date following rezoning (e.g. 4 months). Owners will be advised by letter (Appendix A3) to arrange for a special inspection ($232.00 - 1987 Fee) of their building. Depending on the type of deficiencies found, additional permits and fees may be required to carry out the required upgrading.

SUITE PHASE OUT PROGRAM

Suites which do not meet Zoning, Building or other relevant standards will be phased out. It is proposed that the following criteria be considered when determining the length of time for removal of the illegal suites:

Life safety standards.
Number of additional units.
Livability standards (particularly ceiling height and room size).
Owner/absentee owner occupied building.
Number of parking spaces provided.

Based on the different scenarios, the table (See Appendix A1) indicates proposed periods of time for the suite removal. Comments of the Director of Permits and Licenses and the Director of Planning on the Phase Out Schedule are noted in Appendix A1.

In all cases, the phase-out priority is contingent upon the owner agreeing to comply with the "life safety" requirements within a reasonable period of time as determined by the Director of Permits and Licenses.

ADMINISTERING THE LONG TERM SUITE ENFORCEMENT PROGRAM

Notification

It is recommended that when a neighbourhood review is completed, and where applicable, the subsequent by-law amendments are in place, all property owners be notified (See Appendices A2 and A3) of the procedures and enforcement applicable to their neighbourhood.

Inspection and Services Cost Recovery

Where possible the general principal of cost recovery will be applied. The costs of inspection relating to the suite removal program, the increased use of services, maintenance and in lieu of Property Taxes be recovered through permit and registration fees. However, depending upon scale of program, it may not be reasonable to expect that in early years it will be possible to fully recover costs of inspection. If Council thought it necessary to commence on a program to ensure existing suites met life safety standards the inspection costs would be incurred in any event.

Inspection Staff Costs

The Director of Permits and Licenses advises that any increased enforcement program will require additional staffing. However, because of the unknown potential workload, it is very difficult to project what additional staffing will be necessary.

Should Council opt to proceed with neighbourhood by neighbourhood reviews and, if we believe the figures of 20,000-26,000 illegal suites to be accurate, it is anticipated that it could take 10-15 years to complete the program. Assuming that the neighbourhood reviews will generate 2,000-2,500 applications or registrations for suites per annum, it is estimated that a minimum of two inspectional teams consisting of four people per team (a Building, Plumbing/Gas, Electrical and Property Use Inspector) along with appropriate support staff (Administrator, Clerical and Plan checking) will be required to cope with this added workload. However, depending on the rate of applications/registrations and extent of call-back, more inspectional teams may be necessary.

It is estimated that the costs for a program co-ordinator, two inspectional teams, support staff and equipment to review 2,000 to 2,500 new applications a year will be $1,000,000 to $1,200,000 per annum. This will, as noted, be recovered from fees.

Should Council opt for a Citywide program in an effort to speed up the resolution of the illegal suites issue, it will take less time but will require a substantial number of staff to deal with a program of this magnitude. The costs for this program would be proportionately higher.

It should also be noted that any increase in staffing cannot be accommodated within the present work space of the Permits and Licenses Department. Either major renovations will be required to accommodate the additional staff or the entire operation will have to be located elsewhere (leased premises or leased temporary building). Estimated costs for leasing premises of approximately 1,600 sq.ft. are $20,000 per annum.

Planning Staff Costs

On January 14, 1988, Council will consider a new schedule to permit a suite in a previously single-family dwelling. This schedule is tentatively being called RS-1S. The Joyce Area is being considered for the first application of the new schedule. The Director of Planning is proposing that a two-family dwelling in an RS-1S area be an outright use. This issue is discussed in a separate report.

Staffing will depend upon whether suites are made a conditional or outright use in RS-1S areas. One reason for making suites an outright use is the increased staff costs of conditional uses. Conditional approvals involve reference to guidelines and may include neighbourhood notification. If suites are a conditional use the number of Development Permit Applications processed by Planning staff could increase by 40 to 50 percent next year.

If suites are an outright use, most applications will be processed by Permits and Licenses as a Joint Permit. This is the procedure now followed for RS-1 applications where no relaxations are requested.

The new suite schedule is expected to generate an increase in Planning inquiries. However, assuming suites are an outright use, the Director of Planning does not anticipate a sufficient increase in workload to warrant requesting additional planning staff. He will monitor the staffing implications of the RS-1S Schedule and, should additional staff be required, report to Council.

Legal Staff Costs

Estimates do not include legal costs of proceeding to court to enforce closure where owners do not voluntarily comply. Again, given the unknown workload, it is impractical to estimate costs at this time. The Director of Legal Services observes that the cost and effectiveness of an enforcement program are related to the fines and penalties imposed. Given the revenue which is generated by an illegal suite or other illegal occupancies, it would be appropriate to amend the Charter to provide for a maximum fine of $10,000 where owners fail to register their suites as required, or permit occupancy in violation of the Zoning and Development By-law. The minimum fine should also be raised.

Continued Enforcement

It is anticipated that after a neighbourhood review and the initial inspections and accompanying enforcement, continued attention will be required to ensure that

- any existing suites that are phased out remain closed or are re-registered and meet relevant Zoning, Building and other related standards.

- any new suites are registered and meet relevant Zoning, Building and other related standards.

At this time, it is thought that the present Property Use staff is sufficient to enforce on a complaint basis only.

SUMMARY

This report outlines a long term revenue suite enforcement program to be implemented in neighbourhoods where, after the review has been completed, revenue suites will either be permitted or phased out. It also contains estimates of what it will cost homeowners to upgrade "typical" suites to acceptable standards and what it will cost the City to provide services.

The report points out that, because of the unknown, it is difficult to project additional staffing requirements for implementing the enforcement program, but it is anticipated that it will be cost recoverable. Therefore, the Director of Permits and Licenses believes it would be more appropriate for staffing requirements to be addressed at the completion of each neighbourhood review.

RECOMMENDATION:

The Director of Permits & Licenses, in consultation with the Directors of Planning and Legal Services, recommends:

A. THAT Council adopt the long term enforcement program as described in this report, for the neighbourhoods where the reviews have been completed and suites are either to be permitted or phased out.

B. THAT Council instruct the Director of Permits & Licenses to report at the completion of each neighbourhood review what additional staff and costs are required to administer and enforce the programs in that neighbourhood.

C. THAT Council instruct the Director of Legal Services to draft a Charter Amendment which will provide for a maximum fine of $10,000 against an owner whose building is occupied in violation of the by-law and amend the by-law, to raise the minimum fine to $1,000.00. "

The City Manager notes that Committee members may wish to discuss several components of the program outlined in Appendix A1. If direction is given to staff, further information could be presented when the Committee's report goes to Council.

The City Manager RECOMMENDS approval of A, B and C.

APPENDIX A1

SUITE REMOVAL PROGRAM TABLE

CONDITION OF HOUSE	OWNER OCCUPIED*	ABSENTEE OWNER
MEETS ALL REQUIREMENTS FOR SAFETY, LIVABILITY AND ONE ADDITIONAL UNIT	10 years	5 years
HAS MORE THAN ONE ADDITIONAL UNIT:		
TWO ADDITIONAL UNITS	2 Years	
THREE OR MORE ADDITIONAL UNITS	1 Year	
DEFICIENT CEILING HEIGHT:		
LESS THAN 6'4"	1 year	
6'4" BUT LESS THAN 6'8"	4 years	
6'8" BUT LESS THAN 6'10"	7 years	
DEFICIENT PARKING:		
TWO SPACES (No on-site parking)	2 Years	
ONE SPACE	4 Years	
IMMINENT DANGER	Refer to Enforcement Committee For Immediate Action	

NOTE: When more than 1 deficiency exists, the deficiency with the highest priority for removal will be applied.

* The Director of Permits and Licenses proposes that the extra time be provided because experience has shown that owner occupied houses have less noise and general neighbourhood disruption problems due to the extra suite.

The Director of Planning notes that this does not necessarily imply that the majority or even a significant minority of tenants in non-owner occupied houses behave so as to cause complaints. The enforcement program would be simpler to administer and more equitable if there is no distinction between the phase out time for suites in owner occupied and non-owner occupied houses. If some residents are repeatedly behaving in an unneighbourly manner then stricter enforcement of relevant noise, parking, and standards of maintenance by-laws should be carried out regardless of the resident's tenure status.

APPENDIX A2

Re:

The illegal suite review has been completed in the neighbourhood where the above mentioned building is situated. The zoning for this area has now been amended to permit a suite subject to the proposed suite complying with relevant by-laws and standards.

To make application for a suite you or your representative must attend the Permits and Licenses Department, submit 3 sets of plans drawn to scale, sign a Development Permit Application, and pay the prescribed fee $115.00 (1987 rates).

These plans must include all elevations, floor plans of entire building, indicating the size and use of all rooms and areas, window sizes and location of all plumbing and electrical facilities, site plan showing the location of all buildings on the site and off-street parking, a cross section with fire and sound separation shown and structural details.

If the Development Permit is approved a Building Permit and other relevant permits will be required.

It should be noted that any proposed development must comply with all relevant Building, Plumbing, Gas and Electrical By-laws.

If your building contains a suite for which appropriate permits have not been issued in compliance with the Zoning and Development By-law regulations, you are hereby requested to either restore the use of this building to a one family dwelling with not more than two boarders or lodgers or make application as outlined above within 30 days of the date of this letter.

Should you require further information please contact _____.

Sincerely yours,

_____

R.V. Hebert, P. Eng.,
DIRECTOR

APPENDIX A3

Re:

The illegal suite review has been completed in the neighbourhood where the above mentioned building is situated. It has been determined that this neighbourhood wishes to remain single family dwelling only. Therefore, all illegal suites in this neighbourhood will be phased out in accordance with the schedule (attached) established by City Council at their meeting on _____?

If your building contains an illegal suite(s) you are required to attend the Permits and Licenses Department to arrange for a special Building, Plumbing, Gas, and Electrical inspection of your building. The fee for these inspections is $232.00 (1987 rates). Following the inspection, you will be notified in writing of any upgrading requirements necessary if you wish to retain the illegal accommodations during the phase out period.

Should you, after receiving the letter regarding the upgrading requirements, wish to register to retain the illegal accommodation for the limited phase out period please contact _____ to arrange a meeting. At the meeting, _____ will discuss a time schedule for completing the required upgrading, the allotted time for removal of suite(s) and the initial and annual registration fee to be charged.

It should be noted that you must register the illegal accommodation within 120 days of the date of this letter. Should you fail to register within the specified time, enforcement action will be initiated to have the building restored to a one family dwelling.

Sincerely yours,

_____

R.V. Hebert, P. Eng.,
DIRECTOR

CITY OF VANCOUVER
PLANNING DEPARTMENT

REPORTS TO COUNCIL

SUBJECT: SECONDARY SUITE ENFORCEMENT PROGRAM (PROPOSED BY-LAW AMENDMENTS)

DATE: JUNE 23, 1988

COMMITTEE ACTION:

On June 23, 1988, the Council Standing Committee of Council on Neighbourhood, Cultural and Community Services considered a Manager's Report dated May 31, 1988, in which the Directors of Permits and Licenses reported back, as requested by Council on January 5, 1988, providing appropriate trades by-law amendments to allow for minimum standards for conversions with respect to secondary suites. The amendments deal mainly with amenity provision instead of life or fire safety.

The proposed by-law amendments follow:

A. Where illegal suites must be "phased out in two (2) years or less". These are houses, as described in the December 1, 1987 report approved by City Council on January 5, 1988, having the following conditions:
   1. containing two or more additional suites, or
   2. with a ceiling height less than 6' 4", or
   3. with no on-site parking, or deficient by two parking spaces.

   Building By-law - Waive all requirements, except provide hard-wired smoke alarms and smoke separation between dwelling units.

   Plumbing By-law - Waive all requirements except for cross connection of waste to potable water supply violations which creates sanitation and contamination hazard.

   Gas By-law - Correct all unsafe conditions.

   Electrical By-law - Ensure wiring is in safe working condition and adequate service capacity, but waive requirements for kitchen split circuit receptacles, specific kitchen appliance circuits, living/recreation room receptacles and bathroom GFCIs (ground fault current interrupter). Waive separate suite wiring and wall switches in all rooms. Waive relocation of electrical panel and permit two receptacles for bedrooms.

B. Where illegal suites must be "phased out in more than two (2) years but less than five (5) years". These are houses, as described in the December 1, 1987 report, having the following conditions:
   1. with a ceiling height less than 6' 8", or
   2. deficient by one parking space.

Building By-law - Waive all requirements except:
1. provide hard-wired smoke alarms;
2. provide required fire separations between suites, and
3. acceptable means of egress for each suite.

Plumbing By-law - Waive all requirements, except cross-connection protection.

Gas By-law - Correct all unsafe conditions.

Electrical By-law - Ensure wiring is in safe working condition and adequate service capacity, but waive separate suite wiring and relocation of electrical panel.

C. Where illegal suites must be "phased out in more than five (5) years but less than (10) years". These are houses, as described in the December 1, 1987 report, where the ceiling height is less than 6' 10".

Building By-law - Waive all building requirements except:
1. provide hard-wired smoke alarms;
2. provide required fire separations between suites;
3. acceptable means of egress for each suite, and
4. spatial separation for the building and windows.

Plumbing By-law - Waive all requirements, except cross-connection violations.

Gas By-law - Full compliance with Gas By-law.

Electrical By-law - Full compliance with Electrical By-law, except for separate panel where the main panel is located in an acceptable common area within the building.

D. Where permanent secondary suites may be established.

Building By-law (Limited Requirements) - These existing dwelling, if upgraded to the current requirements for two-family dwellings, would require extensive work due to the small lot sizes. Previous Committee discussions determined that many amenity requirements could be waived or relaxed, such as sound control, ventilation, security, access to exit, interior finishes, thermal insulation, and vapour barriers. A complete list of the limited requirements was attached to the report (see Appendix A) which the Director found reasonalbe and would adequately cover the City's liabilities for life safety. Also attached to the report was a cost benefit study (see Appendix B), using as an example, two dwellings typical of several different styles commonly found in the Joyce District Area. The study estimated potential costs to upgrade only the most critical life safety deficiencies based on limited Building By-law requirements and either unsprinklered or sprinklered. The results of the study established that the sprinkler alternative is much less expensive than physical construction required to meet the limited fire and life safety provisions. In addition to the sprinklering, the Director advised some areas of a building should still be made good or provided with relaxed alternatives, such as:
1. In Lieu of noncombustible construction for the exposing wall, exterior walls and openings such as windows, may remain as is, except that whenever located closer than 1 m to the property line, the following minimal protection is provided:
   a. adjacent "combustible cladding" within 1 m shall be treated with special

fire-retardant paint, in lieu of stucco materials or other non-combustible siding:

b. adjacent "window panes" within 1 m shall be replaced with tempered glass lites, in lieu of being blocked up.

2. Interior fire separations may remain as is provided all damaged fire-protective membranes, such as existing lath and plaster and existing gypsum wallboard are made good, in lieu of proper fire-rated separations and fire-stoppihg.
3. Plastic plumbing or sprinkler pipes may be left exposed if tightly-fitted at walls, ceilings and floors, in lieu of noncombustible pipes throughout, and waive fire dampers wherever normally required. Accept all flammable interior finishes as is.
4. Existing suite entry doors may remain as is, in lieu of fire-rated doors.
5. Open exit stairways connecting more than two storyes shall be made smoke-resistant from lower storeys, in lieu of enclosed stair shafts.
6. Top storeys of houses more than two storeys above grade shall have access to a refuge balcony or deck, in lieu of providing stairs to grade.
7. Existing stairs are acceptable, unless too steep orhazardous (guidelines are provided in Appendix A).
8. Guards and handrails shall be made safe, wherever called for in the By-law.
9. Hard-wired smoke alarms are to be installed outside all bedrooms but at least one for each of the interconnected storeys.
10. Garages shall be made gas-proof from living areas of house.
11. Furnace rooms shall be provided with proper combustion air and required clearances from all equipment.
12. All existing fireplace inserts and chimneys to be inspected and made good.

Electrical By-law - All electrical requirements to comply generally except that a single panel may be maintained in a common area of the residential building.

Plumbing By-law - All plumbing requirements should comply except that local shut-off valves may be waived.

Gas By-law - Full compliance with Gas By-law is required.

Mr. Roger Hebert, Director, and Mr. Bob Maki, Assistant Director, Permits and Licenses Department told the Committee the costs outlined in the attachment to the report are only for a particular situation and should not be taken as pertaining to all upgrading situations. If a homeowner wishes to have a first-class remodelling/upgrading job, the costs will be much higher. The officials also responded to questions of the Committee.

The Chairman drew attention to a letter dated June 23, 1988 from the Riley Park Housing Review Committee providing comments on the Report. Its members were concerned about the high cost of upgrading suites to meet standards and the probable resulting demolition of existing housing stock. It was recommended that Council hold a full public discussion with homeowners and developers to review the proposed building standards.

Committee members were pleased with the report and its conclusions as it offers alternatives to meet safety requirements, as well as limited upgrading requirements, without costing a prohibitive amount. Therefore, the Director's recommendations were endorsed and it was recommended

A. That the sprinkler option, as described in the Manager's Report dated May 31,

1988 entitled 'Secondary Suite Enforcement Program (Proposed By-law Amendments)' be allowed as an alternative to the Building By-law requirement for upgrading single-family dwellings.

B. That the Director of legal Services, in consultation with the Director of Permits and Licenses, bring forward the appropriate By-law amendments for conversion of single-family dwellings as described in the Manager's Report dated May 31, 1988.

C. That the letter dated June 23, 1988 from the Riley Park Housing Review Committee be received for information.

CITY COUNCIL ACTION:

Extract from the Minutes of Vancouver City Council Meeting of July 14,1988(Reconvened)

In this clause the Committee considers a City Manager's report dated May 31, 1988, in which the Directors of Permits & Licenses reported back as requested by Council on January 5, 1988, providing appropriate trades by-law amendments to allow for minimum standards for conversions with respect to secondary suites and concluded with a number of related recommendations.

Mr. Alex Andrews, representing the Riley Park Housing Review Committee, expressed concern with the financial impact of the proposed regulations on smaller homes with illegal suites where the cost of upgrading could equal or exceed the value of the homes. Mr. Andrews suggested the proposed building standards receive full public discussion prior to enactment.

Alderman Taylor advised that Ms. Nadine McDonnell, who had requested an opportunity to speak to this issue, was unable to be present, however, she had provided her position to the Alderman. Ms. McDonnell's position is that Council should not proceed with the proposed building standards at this time, as, in her opinion, there is still some confusion as to what the required upgrading could cost.

Moved by Alderman Taylor that the following recommednations of the Committee, as contained in clause 3 of this report be approved:

A. That the sprinkler option, as described in the Manager's Report, dated May 31, 1988,entitled 'Secondary Suite Enforcement Program (Proposed By-law Amendments)' be allowed as an alternative to the Building By-law requirement for upgrading single-family dwellings.

B. That the Director of Legal Services, in consultation with the Director of Permits and Licenses, bring forward the appropriate by-law amendments for conversion of single-family dwellings as described in the Manager's Report dated May 31, 1988

C. That the letter dated June 23, 1988, from the Riley Park Housing Review Committee be received for information.

-Carried
(Alderman Caravetta opposed)

Moved by Alderman Boyce that staff make available, through the development permit process, the information on the Residential Rehabilitation Assistance Program (RRAP), to ensure that all who are eligible may take advantage of this program.

-Carried Unanimously

Appendix A

LIMITED REQUIREMENTS FOR HEALTH AND SAFETY WHEN CONVERTING A ONE-FAMILY HOUSE TO A TWO-FAMILY UNIT

ITEM	CONVERSION FOR EXTRA SUITE (Unsprinklered) (Up to 3 Storeys Only)	CONVERSION FOR EXTRA SUITE (Sprinklered to NFPA 13D)
1) EXTERIOR WALL CONSTRUCTION		
(a) Suites 1 above another up to 2.4 m from property line.	1 hr fire-resistance rating, noncombustible construction & cladding.	*3/4 hr construction but if less than 1 m, combustible cladding to be treated.
(b) Suites 1 above another over 2.4 m from property line.	1 hr fire-resistance rating, with non-combustible cladding.	*3/4 hr fire-rated construction only. No restriction on cladding.
(c) Suites side by side less than .6 m from property line.	3/4 hr fire-resistance rating with noncombustible cladding.	*3/4 hr construction and combustible cladding to be treated.
(d) Suites side by side less than 1.2 m from property line.	3/4 hr fire-resistance rating - no restriction on cladding.	*3/4 hr construction. No restriction on cladding.
2) WINDOWS IN SIDEYARDS		
(a) Exterior wall less than 1 m from property line.	No windows permitted unless protected by a fire shutter with 250°C maximum rating.	Existing windows permitted but with tempered glass in panes.
(b) Exterior wall from 1 m to 1.2 m from property line.	Existing windows may remain if wired glass in steel frames or glass blocks.	Existing windows may remain.
(c) Exterior wall more than 1.2 m from property line.	7% of wall face at 1.2 m, increasing with distance from property line, or if wired glass is used.	Existing windows may remain.
3) SUITE FIRE COMPARTMENTS		
(a) Suites containing 2 or more storeys.	Construction must be a fire separation with a 1 hr fire-resistance rating.	*3/4 hr construction.
(b) One-storey suites.	Construction must be a fire separation with a 3/4 hr fire-resistance rating.	*3/4 hr construction.
(c) Heating ducts that penetrate fire separations.	Fire dampers are required for all ducts that penetrate fire separations.	No fire dampers required.
(d) Plastic pipes for plumbing and sprinklers.	Not permitted to serve more than single suite.	Permitted anywhere if tightly fitted or fire-stopped.
(e) Suite entry doors in fire separations.	Doors must have 1/3 hr fire protection rating or be 45 mm thick solid core wood with a 38 mm wood frame. (May have wired glass lite.)	Existing doors are acceptable if unglazed and in good condition or if glazed with wired or tempered glass.

NOTE: *For sprinklered buildings only," 3/4 hr construction" means existing good lath and plaster or gyproc. However, if new construction is required to create separations, then fibreglass batts may contribute 10 min. for ceiling and 15 min. for walls.

4) SMOKE ALARMS	Outside all bedrooms but at least 1 per storey.	
5) GARAGES AND CARBON MONOXIDE	The garage shall be rendered gas-proof from the rest of the dwelling as required by the Building By-law.	
6) EXITS		
(a) Serving both dwelling units.	Must be separated from the suites by a fire separation having a 3/4 hr fire-resistance rating.	Open stairs higher than 2 storeys must be smoke-resisting. Two interconnecting storeys may be open.
(b) Egress from each dwelling unit.	A single egress door is permitted if you do not travel up or down more than 1 storey to that door.	Single exit is permitted, if the vertical distance does not exceed 7 m from grade to a balcony.
(c) Windows adjacent to exits.	Such windows must be wired glass in steel frames or glass block.	May remain if glazed with wired or tempered glass in aluminum or wood frame.
(d) Flame-spread rating of finishes.	Exits must have a flame-spread rating less than 25. Remainder less than 150.	Flame-spread rating for exits not more than 150.
7) STAIRS		
(a) Details of construction.	Stair treads, run and rise shall be reconstructed to conform to the By-law together with handrails whenever:	
Run, Rise, Treads	(A) the existing run is shorter, or the rise is higher by more than 15 mm, or the existing treads are over 25 mm less than the current requirements of the By-law;	
Headroom	(B) the existing headroom is more than 100 mm shorter than the current requirements of the By-law;	
Double winders	(C) in the case of existing winders, they turn through more than 90°, or there is more than one set within the stairway;	
Existing winders	(D) single existing sets of winders which do not comply with the By-law but otherwise comply with the above rise requirements in clause (A), may be permitted if 2 handrails are provided, and	
Existing spirals	(E) in the case of existing spiral stairs which do not comply with the By-law but otherwise comply with the above rise requirements in clause (A), they may be permitted to remain if 2 handrails are provided.	
(b) Handrails	At least 1 handrail shall be provided for all existing stairs but always with a guard on any open side as per By-law.	
(c) Stair Treads	All tread surfaces shall be non-skid as per By-law.	
8) GUARDRAIL PROTECTION	There shall be guardrails around all stairways, balconies, landings, decks and porches which shall comply with the Building By-law for height and construction requirements.	
9) ROOM HEIGHT		
(a) Living, dining rooms and kitchens.	2.3 m over 75% of required floor area, 2.1 m over remainder.	
(b) Bedrooms	2.3 m over 50% of required floor area, 2.1 m over remainder.	
(c) All other areas	2.1 m when person normally standing. 1.95 m under beams in laundry area or storage areas.	
10) HEATING SYSTEMS		
(a) Furnace room enclosures	The furnace room shall be provided with combustion air, ventilation clearances from the equipment and proper fire separations, except for sprinklered buildings, in general accordance with the By-law.	
(b) Fireplaces and chimneys	All existing fireplaces or chimneys shall be made good and any non-conforming insert unit connections shall be altered to comply with the Building By-law.	

Appendix B

COST/BENEFIT STUDY ON CODE COMPLIANCE

On April 18th, 1988, staff from the Permits and Licenses Department and a local sprinkler contractor reviewed typical costs where only critical life-safety provisions of the Building By-law were being included in upgrading single family dwellings to provide a secondary suite.

The two dwellings chosen were typical of several different styles commonly found in the Joyce District area.

The scope of the survey was to estimate potential costs to upgrade only the most critical life-safety deficiencies of the typical single family dwellings. In addition, we considered how the cost of providing alternative protection with sprinkler installations would compare.

Typically, these single family dwellings have been built to minimal building bylaws when compared to our current fire-safety regulations. They have many common deficiencies, if they were now to be converted to multiple (two-family) dwellings. The major problem is the lack of fire protection between dwellings, combustible exterior walls, and highly-flammable exterior finishes, including also excess exposing windows in deficient side yards. Another major problem with most of them is the lack of an enclosed exit system when shared by other occupants.

Luckily, both of these major fire-safety deficiencies and many others are quite routinely being protected by the "sprinkler equivalency" approach. In fact, it is now increasingly becoming mandatory across the U.S.A. because it is so cost-effective. Over 20 states have recently brought in retroactive legislation to sprinkler all small residential buildings, and in many jurisdictions even single family dwellings and mobile homes must be sprinklered.

Therefore, we looked at the results of this survey as a way to establish the viability of the simple (sprinkler equivalency) solution, if the cost-benefits proved it out.

The costs are summarized as follows:

BUILDING A*

Based on limited Building By-law requirements and unsprinklered:

Exterior wall facing (brick veneer)	$11,600
Gyproc exterior walls & furnace room	1,200
Fire separation around exit stairs	800
Gyproc ceiling for fire separations	1,500
Paint new gyproc	1,000
New furnace room door	300
New exterior exit door	800
Install 2 smoke alarms (2 x $150)	300
TOTAL COST	$17,500

With the Sprinklered Option

Install 2 smoke alarms (2 x $150)	$ 300
**Install sprinklers (NFPA 13D) (19 heads)	3,150
Optional repairs due to sprinkler installation	2,000
TOTAL COST	$ 5,450

*The house is a Vancouver Special.

**The floor on the 2nd level would be opened up to sprinkler the lower level. The upper floor would be done from the attic space. Does not include new water service connection cost. Depending upon the area, most do not require new services. This price is based on Blazemaster (plastic) sprinkler pipe being used throughout.

BUILDING B*

Based on limited Building By-law requirements and unsprinklered:

Raise building to get headroom up 1'±		$ 2,500
New walls after raising		1,670
New exterior masonry wall		10,000
Gyproc interior wall & ceilings	$2,633	
	2,300	
	500	5,430
Kitchen ventilation & combustion air		800
Smoke alarms (3 x $150)		450
New bedroom windows		400
Add 2 exit doors		450
Stair handrails to 3rd storey		200
Painting gyproc		1,550
Kitchen ventilation on 3rd storey		200
TOTAL COST		$23,650

With the Sprinklered Option

Raise building to get headroom up 1'±	$ 2,500
New walls after raising	1,670
Kitchen ventilation & combustion air	800
Smoke alarms (3 x $150)	450
Tempered glass in side windows	500
Stair handrails to 3rd storey	200
Kitchen ventilation on 3rd storey	200
Total Construction	$ 6,320
**Install Sprinklers (NFPA 13D) (23 heads)	4,440
TOTAL COST	$10,760

*A 3-storey house having 6'2" clearance in the basement.

**This job was priced on surface-run copper, because it is an older home and copper is a slimmer pipe. No repair cost is thus incurred. However, the owner must touch up or repaint where burn marks show on the existing paint. If ceilings or floors are to be opened up and Blazemaster to be run, additional repair costs would be incurred. Surface-run Blazemaster (plastic sprinkler pipe) would cost approximately $3,520, which is a further savings of $920.

From these surveys we have also been able to review many further acceptable relaxations for both methods of achieving compliance and equivalency.

The study has further shown us that there are so many unknowns in dwellings which, when opened up, often become a can of worms when using traditional building bylaw compliance methods for resolving the various unsafe features. However, the best part of using the sprinkler method is that these unknown weak spots in the typical fire-safety integrity are protected so effectively.

By this method we are actively suppressing the fire early during its development and near its source, with the activation of the very first sprinkler head. This will take place before the fire gets a chance to build its destructive power. The new Residential Sprinkler Heads are well-known for saving lives, even in the room of fire origin, which no other method of fire protection can match. In fact, it is very similar to having the owner's own fully-equipped firefighting personnel present in each of his rooms at all times. Well, almost!

CONCLUSIONS

From the surveys of the two dwellings involved, it was proven that costs of required fire-safety upgrading can be reduced substantially by using the equivalent sprinkler protection technique. Also, costs of the City trades inspection staff may be reduced, by using more generalist inspection staff who can be trained to work with these lesser standards quickly.

Therefore, there is a substantial benefit in the form of costs to all concerned, if we make the sprinkler alternative mandatory for these conversions.

CITY OF VANCOUVER
PLANNING DEPARTMENT

REPORTS TO COUNCIL

SUBJECT: ENFORCEMENT POLICIES FOR LEGALLY NON-CONFORMING, APPEAL, MORATORIUM, HARDSHIP, PARENT AND CHILD SUITES

DATE: July 14, 1988

COMMITTEE ACTION:

The Council Standing Committee of Council on Neighbourhood, Cultural and Community Services had for its consideration a Manager's report dated May 24, 1988, in which the Directors of Planning and Permits and Licenses, in consultation with the Director of Legal Services, put forward recommendations for enforcement of several types of secondary suites the City has recognized through previous Council policies.

The Directors recalled that on January 5, 1988, Council approved the Long Term Suite Enforcement Program which will apply to neighbourhoods that have completed a suite review. In areas rezoned to permit revenue suites, owners will be required to bring their units up to standard within a year. In areas remaining RS-1 most suites will be phased out over 10 years. One exception may be suites occupied by immediate family members, a decision which Council will review, once the Province considers Charter amendments required for its implementation. The program did not specifically deal with various types of secondary suites as outlined below. Staff suggestions for enforcement policies are included.

1. Legally Nonconforming Suites

These are suites which were installed before 1929 when suites were an outright use in 'residential districts'. According to Section 568 (3) of the Charter, these nonconforming suites can remain for the life of the building, unless it is not used consecutively for 90 days, at which time it loses its nonconforming status and becomes illegal. The Board of Variance can grant an extension to 180 days. Because it is often very difficult for the City to determine whether such a suite is legally nonconforming, staff suggested owners claiming this status provide satisfactory evidence which could include rent receipts, tax records, or affidavits. Once the suites have been inspected to ensure they meet the basic safety requirements, the City must permit these suites as long as they are continuously occupied.

2. Suites Approved by the Zoning Board of Appeal (now Board of Variance)

Between 1930 and 1954, the Zoning Board of Appeal approved suites in existing houses when the house was larger than those which had subsequently developed around it; the house would be, for financial reasons, neglected without the suite; and when the suite would be consistent with the character of the neighbourhood. Following inspection to ensure these suites met the building code of the time, Council permitted the suites for the life of the building,

however, owners wishing to make additions or structural alterations, except those required by Statute or By-law, must apply to the Board of Variance for approval. Staff advised there are likely few Appeal Suites, therefore it was recommended the Director of Permits and Licenses be instructed to search the records when applicants come forward to register and inform owners if the Zoning Appeal Board has previously approved their suites, and take enforcement action, under the Building By-law, only if it is determined that a hazardous condition exists.

3. Moratorium, Hardship, Parent, and Child Suites

Approval. by limited development permits, has been given to suites built before 1956 and registered under a program withholding enforcement for a limited period of time. Since 1974, there has been neither an extension of these permits nor enforcement action and there are approximately 750 registered Moratorium suites.

Approval has been given to suites registered between 1963 and 1986 under programs withholding enforcement on the basis of who occupied them. Suites accepted under these policies never received development permits and previous Councils have chosen to interpret the meaning of hardship broadly under this policy. There are approximately 550 suites registered under the Hardship Policy, and another 250 registered under the Parent and Child Suites Policies.

Staff recommended that enforcement commence on Moratorium, Hardship, Parent. and Child suites following neighbourhood reviews and these units should be included in the Long Term Suite Enforcement Program, to be treated as any other secondary suites in upgrading and phase-out requirements.

The Directors therefore recommended:

A. That the Director of Permits and Licenses be instructed to apply the enforcement policies described in this report for Nonconforming Suites and for suites issued development permits without time limits by the Zoning Board of Appeal.

B. That the Director of Permits and Licenses be instructed to apply the Long-Term Suite Enforcement Program approved on January 5, 1988, to all Moratorium, Hardship, Parent and Child Suites in accordance with the policies outlined in this report.

C. That the Director of Permits and Licenses be instructed to hold action on suites containing immediate family members (grandparents to grandchildren), full time household support persons, and dependent persons (as per the Income Tax and Immigration Acts) pending Council's consideration of the Family Suite Report.

Staff from the Departments of Planning, Permits and Licenses, and Law answered questions about the enforcement policies suggested in the report. Dr. Ann McAfee explained the policies will aid staff in determining how to proceed with suites once neighbourhood reviews have been completed. Some Committee members expressed concern that a homeowner may find it difficult to provide proof a suite has been continually in use since 1929. Mr. Terry Bland, Corporation Counsel, suggested Council could require a homeowner to sign an affidavit stating 'to the best of my knowledge the suite has been continually occupied since 1929'; Council could then decide not to take enforcement action if the suite could be proved to have existed prior to 1929. The Committee agreed to this suggestion and asked staff to prepare the appropriate wording for the affidavit, and to eliminate the suggestion to require proof by supplying tax records or rent receipts. The enforcement policy

suggested for suites approved by the Zoning Board of Appeal was agreed to, noting that there will be very few suites that come under this category. Committee members did not feel that Parent and Child Suites should be included in the enforcement policy for Moratorium and Hardship Suites, pending further consideration of the Family Suites Report. Also, it was agreed the recommendations should specify the enforcement policied are to be put into effect following neighbourhood reviews. Therefore, including the foregoing amendments, it was recommended

A. That in areas where suite reviews are complete, the Director of Permits and Licenses be instructed to apply the following enforcement policies for Nonconforming Suites and for suites issued Development permits without time limits by the Zoning Board of Appeal:
   - The City require owners claiming nonconforming status to provide satisfactory evidence the suites were installed before the enactment of the one-family district (1929) and have been continuously occupied according to the conditions of Section 567 (3) of the Charter. Such evidence could include an affidavit which indicates to the best of the homeowner's knowledge the suite has been continually in use since 1929.
   - Staff will inspect suites as legally Nonconforming to ensure the basic life safety requirements are met.
   - That property records be searched when applicants come forward to register and owners be informed if the Zoning Appeal Board had previously approved their suite.
   - That enforcement action be taken, under the Building by-law, only if it is determined that a hazardous condition exists in the suite previously approved by the Zoning Appeal Board.

B. That in areas where suite reviews are complete, the Director of permits and Licenses be instructed to apply the Long-Term Suite Enforcement Program approved on January 5, 1988, to all Moratorium and Hardship Suites in accordance with the following policies:
   - In areas rezoned RS-11S, staff will issue permanent development permits for suites that meet the zoning criteria and City building standards.
   - In areas which remain RS-1, staff will phase out suites. They will do this over ten years or less, depending on the deficiencies of the suite. Units in these areas may qualify as family suites.

C. That in areas where suite reviews are complete, the Director of Permits and Licenses be instructed to hold action on suites containing immediate family members: grandparents to grandchildren, full-time household support persons, and dependent persons (as per the Income Tax and Immigration Acts) pending Council's consideration of the Family Suite Report. This includes all suites registered under the Parent and Child Suite Policy.

CITY COUNCIL ACTION:

Extract from the minutes of the Vancouver City Council meeting of July 14, 1988

Moved by Alderman Taylor that recommendation A of the Committee, as contained in clause 2 of this report, be approved.

-Carried Unanimously

(Aldermen Caravetta, Davies and Eriksen opposed to the requirement with respect to suites installed prior to 1929.)

Moved by Alderman Taylor, that recommendation B of the Committee, as contained in clause 2 of this report, be approved.

-Carried

(Aldermen Caravetta, Davies and Eriksen opposed)

Moved by Alderman Taylor, that recommendation C of the Committee, as contained in clause 2 of this report, be approved.

-Carried

(Alderman Caravetta opposed)

OTHER:

FOR FURTHER INFORMATION REGARDING THIS REPORT OR FOR DETAILS OF OTHER PLANNING DEPARTMENT PUBLICATIONS, CALL INFORMATION SERVICES, OVERALL PLANNING AT 873-7782

SUPPORTS ITEM NO. 2
N.C.C.S. COMMITTEE
AGENDA - JUNE 23, 1988

MANAGER'S REPORT

DATE May 24, 1988

TO: Standing Committee of Council on Neighbourhood, Cultural & Community Services

SUBJECT: Enforcement Policies for Legally Nonconforming, Appeal, Moratorium, Hardship, Parent and Child Suites

CLASSIFICATION: RECOMMENDATION

The Director of Planning and the Director of Permits and Licenses, in consultation with the Director of Legal Services, report as follows:

"PURPOSE

This report recommends enforcement programs for several types of secondary suites the City has recognized through previous Council policies.

BACKGROUND

On January 5, 1988, Council approved the Long-Term Suite Enforcement Program (see Appendix A). This program will apply to neighbourhoods that have completed a suite review. In areas rezoned to permit revenue suites, it requires owners to bring their units up to standard within a year. In areas remaining RS-1, most suites will be phased out over ten years. One exception may be suites occupied by immediate family members. Council will receive a report on family suites, after the Province considers Charter amendments required for its implementation.

The Long-Term Suite Enforcement Program did not specifically deal with the following types of suites:

- Nonconforming Suites: Suites installed before 1929 when suites were an outright use in "Residential Districts".
- Appeal Suites: Suites approved by the Board of Appeal (now the Board of Variance) between 1930 and 1954.
- Moratorium Suites: Suites built before 1956 and registered under a program withholding enforcement for a limited period.
- Hardship, Parent, and Child Suites: Suites registered between 1963 and 1986 under programs withholding enforcement on the basis of who occupied them.

This report recommends enforcement policies for these types of suites.

1. LEGALLY NONCONFORMING SUITES

Whenever Council amends the Zoning By-law, some existing buildings become nonconforming. These are buildings which were approved under the old By-law, but which do not meet the By-law's new requirements.

Houses containing one suite were once permitted outright in the "Residential Districts" of what were then the separate municipalities of Vancouver and Point Grey. On July 27, 1927, Point Grey amended its By-law to create a "One-Family District". This district did not permit new secondary suites. Vancouver established a similar zone on December 17, 1928. Suites approved before these amendments became nonconforming uses.

According to Section 568(3) of the Charter, nonconforming suites can remain for the life of the building. However, if a suite is not used for 90 days, it loses its nonconforming status and becomes illegal. The Board of Variance can grant an extension to 180 days.

Staff advise it is often very difficult to determine whether a suite in a house built before 1929 is legally nonconforming. This is because:

- the City has no record of suites built as an outright use.
- the City generally cannot prove whether a suite has been continuously occupied since it became nonconforming.

Proposed Enforcement Policy for Legally Nonconforming Suites

Staff recommend the City require owners claiming nonconforming status to provide satisfactory evidence their suites were installed before the enactment of the One-Family District and have been continuously occupied according to the conditions of Section 568(3) of the Charter. Evidence could include rent receipts, tax records, or affidavit.

Staff should then inspect suites qualifying as legally nonconforming to ensure they meet the basic life-safety requirements. The City must permit suites that meet life-safety requirements for as long as they are continuously occupied.

2. SUITES APPROVED BY THE ZONING BOARD OF APPEAL (now Board of Variance)

Between 1930 and 1954, the Zoning Board of Appeal (now the Board of Variance) could approve suites in existing houses under the following conditions:

(a) the house was larger than those which had subsequently developed around it;

(b) the house would, for financial reasons, be neglected without the suite; and

(c) the suite would be consistent with the character of the neighbourhood.

Staff inspected these suites to ensure they met the building code of the time. The Board permitted qualifying suites for the life of the building. Thus, unlike Nonconforming suites, they are not subject to the Charter's continuous occupancy requirements. However, owners wishing to make additions or structural alterations, except those required by Statute or By-law, must apply to the Board of Variance for approval.

The Director of Permits and Licenses advises there are likely few Appeal Suites. He notes permits are filed by property address. These records have not been computerized. It would, therefore, be costly to determine the exact number of these suites without manually reviewing almost 70,000 property files.

Proposed Enforcement Policy for Suites Approved By the Board of Appeal

Staff recommend that the Director of Permits and Licenses be instructed to:

(a) search the records when applicants come forward to register and inform owners if the Zoning Appeal Board had previously approved their suites;

(b) take enforcement action, under the Building By-law, only if it is determined that a hazardous condition exists.

3. MORATORIUM, HARDSHIP, PARENT, AND CHILD SUITES

Moratorium Suites

Between 1954 and 1956, the Zoning By-law permitted suites for a limited period of time under the following conditions:

(a) The suite existed prior to June 18, 1956. Included among these were many suites the Federal government encouraged homeowners to develop during World War II.

OR

(b) The suite was in a building deemed unsuitable for its present use because of its age and size. Staff had to notify adjoining property owners and be satisfied the conversion would not adversely affect the area's amenity.

In 1956, Council decided to close illegal suites in RS-1 areas. However, suites that existed before June 18, 1956 were inspected, upgraded and granted development permits limited in time. Council instructed owners to remove all suites granted such time limited development permits by December 31, 1970. In 1970 and 1972 Council extended the period for removal to December 31, 1972 and December 31, 1974, respectively. Since 1974, there has been neither an extension of these permits nor enforcement action. Today, there are about 750 registered Moratorium suites.

Hardship, Parent, and Child Suites

From 1963 to 1986, Council agreed to withhold enforcement in cases of medical or financial hardship. Enforcement was also withheld on suites occupied by parents, grandparents, or children of the owner. Suites accepted under these policies never received development permits. Council chose to interpret the meaning of hardship broadly under this policy. Today there are approximately 550 suites registered under the Hardship Policy. Another 250 are registered under the Parent and Child Suites Policies.

Proposed Enforcement Policy for Moratorium, Hardship, Parent, and Child Suites

Staff recommend that enforcement commence on Moratorium, Hardship, Parent, and Child suites following neighbourhood reviews. These units should be included in the Long Term Suite Enforcement Program (see Appendix A). According to this program:

- In areas rezoned RS-1S, staff will issue permanent development permits for suites that meet the zoning criteria and City building standards.

- In areas that are to remain RS-1, staff will phase out suites. They will do this over ten years or less, depending on the deficiencies of the suite. Some units in these areas may qualify as Family Suites.

CONCLUSION

This report recommends policies for suites which were not specifically included in the Long-Term Suite Enforcement Program. All suites must be inspected to ensure they meet basic life-safety standards. No further enforcement action can be taken on Nonconforming Suites if the owner can provide satisfactory evidence the suite has been continuously occupied. Neither can it be taken on suites granted development permits by the Zoning Board of Appeal for the life of the building.

Enforcement action has been officially withheld on suites recognized under the City's Moratorium, Hardship, Parent, and Child policies. Since 1956, the City has withheld enforcement on about 1,550 suites under these policies. Of these, only moratorium suites received development permits. Appropriate action as proposed in the Long-Term Suite Enforcement Program should proceed after Council has reviewed suites in each neighbourhood. In effect, staff should treat these suites the same as other secondary suites in upgrading and phase-out requirements.

RECOMMENDATION

The Director of Planning and the Director of Permits and Licences, in consultation with the Director of Legal Services, recommend:

A. THAT the Director of Permits and Licenses be instructed to apply the enforcement policies described in this report for Nonconforming Suites and for suites issued development permits without time limits by the Zoning Board of Appeal.

B. THAT the Director of Permits and Licenses be instructed to apply the Long-Term Suite Enforcement Program approved on January 5, 1988 to all Moratorium, Hardship, Parent, and Child Suites in accordance with the policies outlined in this report.

C. THAT the Director of Permits and Licences be instructed to hold action on suites containing immediate family members (grandparents to grandchildren), full time household support persons, and dependent persons (as per the Income Tax and Immigration Acts) pending Council's consideration of the Family Suite Report. "

The City Manager RECOMMENDS approval of A, B and C.

LONG TERM REVENUE SUITE ENFORCEMENT PROGRAM

BACKGROUND

On April 14, 1987, Council adopted an interim suite enforcement program pending consultation with residents to determine whether suites will be permitted in their neighbourhood. The first neighbourhood review has been conducted in Joyce. The initial results of that review have been reported separately to Council.

Pending neighbourhood reviews, the interim suite enforcement program is presently:

- enforce closure of suites installed/occupied after October 22, 1986.
- Close suites considered an imminent danger
- Prioritize closure of other suites

The interim enforcement program, described above, is a temporary measure pending decisions on conditions under which suites will or will not be permitted city-wide (e.g. family suites) or for different neighbourhoods. After completion of each neighbourhood review, the interim enforcement program will be replaced in that neighbourhood by what appears at this time to be three types of enforcement programs:

1. Enforcement Program for Family Suites
2. Enforcement Program for permitted Revenue Suites
3. Enforcement Program to close revenue suites which will not be permitted or do not comply -- Phase Out Program.

NEIGHBOURHOODS WHERE REVENUE SUITES ARE PERMITTED

In neighbourhoods where revenue suites are permitted, approval should be subject to compliance with the Zoning and Development By-law, the Parking By-law, the Building By-law and all other relevant By-laws. To submit an application for a suite, owners or their representatives must attend the Permits and Licenses Department with appropriate plans and fees. They will be advised of details and fees required for submission of a Development Permit Application.

Requirements and Standards:

a. **Zoning and Parking By-laws**

Neighbourhood reviews will determine the conditions under which suites are acceptable. Following rezoning to permit suites, a Development Permit will be issued if the proposed development complies with all relevant standards and by-laws as noted below.

b. **Building Standards**

Following are basic by-law requirements and safety standards that must be met for approval of a suite:

Acceptable floor to ceiling height.
Acceptable natural light and ventilation.
Adequate means of egress (exits).
Acceptable fire protection and separation.
Sound separations.
Hard-wired smoke alarms in each unit.

All plumbing, gas and electrical installations and fixtures must also comply with relevant by-laws.

Note: Request for By-law Amendments to allow minimum standards for conversion will be submitted later.

Costs of Permitting Suites:

The principal purpose of permit fees is to recover costs for application processing and inspections.

a. Permit Cost

To recover application processing and inspection costs, permit fees for suites in RS-1 areas will be the same as those charged elsewhere in the City, as shown in the following table:

Type of Permit	Basis for Fee	1987 Fees
Development		$115.00
Building	Value of Work, i.e. $10,000	92.00
Plumbing	Fixtures, i.e. 3 fixtures	56.00
	Sprinklers - 20 heads	38.00
Gas	Each appliance i.e. 1 range	76.00
Electrical	Value of Work, i.e. $2,500	$132.00
		$509.00

In addition, variable annual costs will be incurred for the license fee, water rates and increased property tax. In total, owners can expect to pay a one-time application fee of between $500 and $600, annual fees to the City for license and water ($56.00 - 1987 rates), plus any increased property tax as determined by the B.C. Assessment Authority and the City's mill rate.

b. Upgrading Costs

Because almost all buildings have different problems, it is very difficult to predetermine what the upgrading costs will be. Some example costs are noted below:

Life-Safety - sprinkler system - approximately $3,000 - $5,000 for a typical 'Vancouver Special', and between $5,000 and $10,000 for older homes.

Ceiling Heights - typical 'Vancouver Specials' should comply with ceiling heights. Older homes, deficient in ceiling heights, will require major renovations which could cost between $10,000 and $40,000, depending upon the size of the dwelling, its structural condition and the extent of the renovations.

Parking - most recently constructed buildings will comply. Homeowners with lane access will incur minimum cost to provide the required uncovered parking spaces and approximately $4,000 - $6,000 to provide covered parking, although this is not a requirement. Consideration should be given to relaxing the parking requirement in cases where lane access, or driveway access to the rear of the house, is not possible.

Closure of Suites in Neighbourhoods Where Revenue Suites Will Be Permitted:

While it is expected that most houses are sufficiently adaptable to include a suite, there will still be some closures in neighbourhoods where the Zoning is amended to permit revenue suites.

In some cases owners will assess the costs and find that it is not economical to upgrade to meet standards. Where there are more than the allowed number of suites or where suites do not meet standards and owners are not prepared to comply with upgrading and/or paying appropriate fees, closure procedures as outlined below will apply.

NEIGHBOURHOODS WHERE REVENUE SUITES WILL NOT BE PERMITTED

In neighbourhoods where revenue suites will not be permitted, a reasonable phase-out program should be established to enable owners and tenants to make alternative arrangements. Owners wishing to take advantage of the phase-out program will be required to register the existence of a suite by a specified date following rezoning (e.g. 4 months). Owners will be advised by letter to arrange for a special inspection ($232.00 - 1987 Fee) of their building. Depending on the type of deficiencies found, additional permits and fees may be required to carry out the required upgrading.

SUITE PHASE OUT PROGRAM

The following phase-out periods apply in areas which have undergone neighbourhood reviews. Suites are only phased out where:

1. Areas remain RS-1; or
2. A suite exceeds the number of units permitted in a house; or
3. The owner does not agree to upgrade the unit to Building and Zoning standards.

The following table of phase-out deadlines applies to the suites noted above:

CONDITION OF HOUSE	PHASED OUT PERIOD
MEETS ALL REQUIREMENTS FOR SAFETY, LIVABILITY AND ONE ADDITIONAL UNIT	10 Years
HAS MORE THAN ONE ADDITIONAL UNIT:	
TWO ADDITIONAL UNITS	2 Years
THREE OR MORE ADDITIONAL UNITS	1 Year
DEFICIENT CEILING HEIGHT:	
LESS THAN 6'4"	1 Year
6'4" BUT LESS THAN 6'8"	4 Years
6'8" BUT LESS THAN 6'10"	7 Years
DEFICIENT PARKING:	
TWO SPACES (No on-site parking)	2 Years
ONE SPACE	4 Years
IMMINENT DANGER	Refer to Enforcement Committee for Immediate Action

NOTE: When more than 1 deficiency exists, the deficiency with the highest priority for removal will be applied.

CITY OF VANCOUVER
PLANNING DEPARTMENT

REPORTS TO COUNCIL

SUBJECT: STAFFING NEEDS FOR IMPLEMENTATION OF LONG TERM ENFORCEMENT PROGRAM IN JOYCE AREA

DATE: July 14, 1988

COMMITTEE ACTION:

The Standing Committee of Council on Neighbourhood, Cultural and Community Services at its meeting of June 23, 1988, had for its consideration a Manager's Report dated June 10, 1988, in which the Director of Permits and Licenses reported back, as requested by Council, on the additional staff and other costs required to give effect to the long-term revenue suite enforcement program in the Joyce Station Area.

There are approximately 530 illegal suites in this area, however, translating that number into an estimated workload is quite difficult. It depends on the willingness of the suite owners to participate in the program, and whether they decide to bring their suites up to by-law standards or to phase them out. As a result, the staffing recommended by the Director was based on assumptions about permit activity. The suite enforcement program will impact on all aspects of the Department's operation, i.e. administration, permit counter, plan checking, inspections, correspondence and data resource centre. Additional furniture and equipment and alterations to office space will also be required. Assuming that most suite owners will choose to sprinkler their buildings, staffing is estimated to be required as outlined in Appendix A.

It is proposed the program coordinator and correspondence staff be the first to be hired and once the program is underway, the inspectors, application processors, and data resource centre clerk would be required. Assuming a September start-up, the 1988 staffing cost will be $104,500 (1987 rates under negotiation) including fringe benefits. Funds are also required for automobile allowance at an annual cost of $15,000 or $3,750 for 1988. In addition, other expenses required to support the enforcement program follow:

Office furniture and equipment	$ 6,565*
Two programmable typewriters	2,720
One IBM computer, display unit and printer (word processor)	11,000
Printing and postage	1,000
Building Alterations	7,000
Total	$28,285

*Where possible office furniture and equipment will be obtained from Central Stores.

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With alterations to the first and second floors of the East Wing building, sufficient space to accommodate the proposed staff should be available, however if further expansion of the program creates a need for additional staff, it is unlikely they can be accommodated within the existing floor space.

Although the City operates its permit activities on a full cost recovery basis, it is highly unlikely that costs will be fully recovered from this first neighbourhood. Any initial shortfalls should be reduced as more enforcement areas are brought on-stream and more efficient use can be made of the staff. For 1988, the projected costs are $109,250, plus start-up costs of $27,300. It is estimated the 1988 permit revenue will be $80,000 with the remainder of expenditures to be provided from Contingency Reserve.

In the report approved by Council in January 1988, it was assumed the average suite would generate $509 in permit fees. However, with the proposed by-law relaxation, it is now anticipated the average permit revenue per suite will likely be less than estimated. Therefore, to recover costs, staff considered the following options:

Option 1: For an owner considering retention of a suite, charge a flat $500 fee to include the costs of all permits and inspections. Staff do not believe this is equitable because some owners may choose to close their suite due to the upgrading costs. Also some buildings will require minimal upgrading and others substantial upgrading. This method results in some owners paying more and others paying less than their fair share of the costs.

Option 2: For an owner considering retention of a suite, charge a $240 inspection fee already provided for in the Trades Permit By-laws. This fee will include City Inspectors (Building, Electrical, Plumbing/Gas) carrying out a special inspection of the building to determine the minimum upgrading required to meet by-law standards for retention of the suite and a subsequent letter to the owner advising of these requirements. If the owner chooses to retain the suite, either by legalizing (RS-1S areas) or through the phase-out program (RS-1 areas), then subsequent permits and fees would be necessary, i.e. development permit $115, plus the appropriate building, plumbing, gas, sprinkler and electrical permits and fees based on value of work or fixtures installed. Staff believe this method will more truly reflect the staffing costs generated by each applicant and therefore recommend this option.

In conclusion, the Director recommended Council authorize hiring the additional staff and other related expenditures as outlined, and that the program commence when staffing, etc. is in place.

During consideration of the report, the Deputy City Manager pointed out that the Vancouver Municipal and Regional Employees Union requires temporary employees to be hired for a defined period of time. He therefore suggested recommendation 'B' be amended to clarify the positions would be temporary for one year with a review and report back to the Committee in six months, to evaluate the program's progress and make any minor adjustments.

Mr. R. Hebert, Director, and Mr. J. Perri, Assistant Director, Permits & Licenses

Department, answered questions of the Committee advising that the report sets out the minimum staffing required to commence the Joyce Area Review. It is anticipated that by the time the Riley Park Review is ready to commence, which may be in a year, more inspectional staff will be needed. Although there will be a lot of phase-in costs, it is expected the program will be self-sustaining in time. Mr. Hebert did caution that if many homeowners choose to have complete building renovations carried out, instead of just the basic sprinklering, his staffing expectations will have to be reconsidered by Council. In addition, it was pointed out that once a rezoning takes place, water and garbage rates will be increased accordingly and there will be an annual license fee for the secondary suite. Also, rezoning will mean market values for the homes will be increased thus causing an increase in property taxes.

The Committee recognized the initial phase of the enforcement program will require some funding by the City, however, in future, these costs should be recovered. The Union's request for designation of a time limit for the temporary staff positions was agreed to.

It was therefore recommended

A. That Council authorize the required building alterations at an approximate cost of $7,000 and the purchase of the furniture and equipment and administration costs as detailed in the Manager's Report dated June 10, 1988, entitled "Staffing Needs for Implementation of Long Term Enforcement Program in the Joyce Area", at a cost of $28,300.

B. That Council authorize hiring twelve additional staff, as detailed in Appendix 'A', at a cost of $108,250 (1987 rates) in 1988, and an annual cost thereafter of $394,985 (1987 rates). These positions would be temporary for one year, with a review and report back to Committee in six months.

C. That the cost of the program, estimated for 1988 at $136,550, be provided as follows:

Increased permit revenue	$ 80,000
Contingency Reserve	$ 56,550
Total	$136,550

D. That commencement of the Long Term Enforcement Program in the Joyce Community Area occur when staff, etc. are in place.

E. That Council approve the permit and inspection fee as outlined in Option 2 of this report.

CITY COUNCIL ACTION:

Vancouver City Council, at its reconvened meeting on July 14, 1988, approved the recommendations of the Standing Committee on Neighbourhood, Cultural and Community Services as contained in the Manager's report.

OTHER:

Appendix A

ADMINISTRATION

1. Program Co-ordinator @ $42,531 - this position will oversee the entire operation of the program including meeting applicants to discuss options for upgrading requirements and time schedule for completing the required work.		$42,531

INSPECTIONS

2 Building Inspectors	@ $38,957	$77,914
1 Plumbing/Gas Inspector	@ $38,957	$38,957
1 Electrical Inspector	@ $38,957	$38,957
		$155,828

APPLICATION PROCESS

1 Plan Checking Assistant @ $29,906 - receiving and processing Development applications.	$29,906
1 Plan Checker @ $37,245 - review and approval of plans for by-law compliance.	$37,245
1 Trades Permit Clerk @ $22,950 - types the Special Building Inspection, Plumbing, Gas and Electrical permits and required permits where applicable..	$22,950

CORRESPONDENCE BRANCH

1 Clerk III @ $27,386 - notification letters - upgrading letter details - enforcement letters - rechecks of correspondence	$27,386
1 Clerk II @ $22,950 - answers telephone inquiries - arrange inspection appointments - processes computer input - process refunds - obtain ownership information for Clerk III's - arrange for title search for returned mail - obtain files from Data Resource Center	$22,950
1 Clerk Typist II @ $21,046 - Types all correspondence	$21,046

DATA RESOURCE CENTER

1 Clerk I @ $20,143 - picks up and processes all incoming correspondence and permits - makes copies of microfiche for correspondence branch - general assistance (when available) to overall operation of branch function	$20,143
Total salary including fringe benefits @14.5% (1987 Rates)	$379,985